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JOSEPH II, LEOPOLD II AND THE AGRARIAN PROBLEM: A STUDY IN ENLIGHTENED DESPOTISM

by

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies for acceptance, a thesis entitled JOSEPH II, LEOPOLD II AND THE AGRARIAN PROBLEM: A STUDY IN ENLIGHTENED DESPOTISM submitted by Franz A.J. Szabo in partial fulfillment of the requirement for the degree of Master of Arts.

ABSTRACT

Historians have tended to give the Emperor Joseph II of Austria a unique position in the galaxy of eighteenth-century "enlightened despots". He is often regarded as a reformer who acted from philosophical persuation rather than in accordance with mundane Realpolitik, and his failure to achieve the Josephinian utopia is ascribed in the early years to his mother, the Empress Maria Theresia, who frustrated his attempt at revolution from the top, and in later years to his brother and successor, the Emperor Leopold II, who surrendered those reforms Joseph had promulgated during the decade of his sole reign.

This thesis, by taking as an example the agrarian problem in the Habsburg Empire, attempts to refute these outdated notions. The first chapter shows how conservative Joseph's attitudes to the agrarian problem really were during the period of his co-regency, and how, in fact, it was Maria Theresia who favoured more "revolutionary" measures. The second chapter analyses the nature of Joseph's peasant reforms and shows how the emperor acted from economic rather than philosophic motives. The third chapter is devoted to Leopold's brief reign. It refutes the notion that Leopold "betrayed" Joseph's agrarian reforms and shows how he not only attempted to salvage but also to rationalize the Josephinian agrarian legacy. In so far as the term "enlightened despotism" has any validity at all, therefore, this thesis attempts to show, it is as a phenomenon characteristic of the generation between the end of the Seven Years' War and the French Revolution.

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INTRODUCTION

One of the most active forces of change, and the one most visibly effective in the eighteenth century was the development of more professional forms of central government. Slowly a particular kind of royal absolutism, so-called 'enlightened despotism' began to assert itself, and in most of Europe government ceased to be a partnership between rulers and great magnates. As the effective power of despotic monarchy increased, the importance of the ruler's own character tended to grow with it, and, correspondingly, the necessity of educated and competent heads of state. Taking as their example the seventeenth century's greatest despot, Louis XIV, and taught by contemporary savants, 'enlightenment' became the chief standard of monarchy.[1] This carried with it a determination on the part of the ruler and his advisers to introduce more effective and efficient forms of government -- a concern that in practice meant a more rigorous exploitation of the possibilities, and especially the financial possibilities, of the state. Not unnaturally this new concern for efficient administration began to affect the manor as well as every other sphere of state, not least of which were the peasantry who formed the great majority of every country. During the same time, the landed aristocracy began to reach the culmination of its attempts, which had begun from about the sixteenth century, to reverse the general trend towards the emancipation of a formerly servile peasantry. Encouraged by a growing market for grain, they increased the labour services of their serfs and used local influence to deprive free peasants of their status. Since the economy of nearly

every country in Europe was predominantly agricultural, it was quite natural that both seigneur and sovereign should turn their attention to the economics of agrarian problems. Equally inevitable was the collision between the state and the manor over this issue. Further, the salutary balance between the particularism of the nobles and the centralism of the monarch was also upset. The beginning of modern bureaucratic government at the same time marked the beginning of the end of the aristocratic perogatives held for centuries.[2]

In few countries was this development more dramatically evident than the Habsburg Empire under the Empress Maria Theresia (1740 - 1780) and her two sons, Joseph II (1780 - 1790) and Leopold II (1790 - 1792). Economic need had been one constant problem for the Habsburgs throughout their history, but when Maria Theresia ascended the throne in 1740 state finances were in a particularly dismal condition -- a situation only aggravated by the fact that the next twenty-three years were marred by fifteen years of costly and unsuccessful war. But the lessons were well learned: security demanded the rationalization of the state administration, and financial stability the reexamination of taxation. At the same time, the intellectual climate of the day demanded that politics be secularized as well as humanized.

The majority of the Austrian peasants were economic, political, administrative and legal subjects of their lords. Their degree of personal liberty varied from province to province.

In Galicia the peasant was little more than a chattel. His

situation had deteriorated steadily from the fifteenth century onward, and by the time of the Austrian occupation of the province in 1772, had reached deplorable dimensions. The peasant could not own property. He could not marry outside the manor without permission -- which was seldom granted.[3] He could be moved or traded at the lord's will;[4] had no legal rights or rights of protest whatsoever; and owed his very life to the humour of his master. Polish jurists unabashedly compared the status of the peasant to that of a Roman slave, and legislation adequately reflected this conviction. If a non-noble killed a serf, he was punishable by death; if a noble killed another noble's serf, he had to pay a fine of 100 marks; if, however, a noble killed one of his own serfs, there was no legislation for such a case and it meant that the murderer would go free. Though legislation was passed in 1786 that substituted capital punishment for the previous fine of killing a serf, the lord could only be sentenced when caught in the act and arrested by six witnesses of which at least two had to be noble. On the private estates the obligations of the serf to the lord were determined by the so-called inventories (inwentarze) which were determined by the lord and could be altered at his pleasure. Aside from the usual labour services (robot)[5] the serf had to render additional ones at sowing and harvest time, the extent of which was again determined by the inventories; and all these obligations had to be fulfilled by the peasant personally. One day of labour services discharged with a team of horses or oxen (Zugrobot) was usually equated with two days of labour services discharged by hand (Handrobot), but

Handrobot usually occurred in so-called 'specific' work (gemessene Arbeit) in which a serf was assigned a specific task, and how long he took to do it was up to him. Robot obligations varied from estate to estate, but generally speaking, they decreased as one went from west to east, where the serf's chances of escape into the endless vastness of Russia were the greatest.[6]

In the Bohemian Crown Lands and the German Hereditary Provinces the legal status of the peasant was much more complicated. The lord (Obrigkeit) of the manor (Herrschaft) exercised judicial control over his estates, but the bondage of the peasants in no way involved bondage ad personam. He could neither be bought nor sold, could own personal property, and was recognized as an individual before the law. He could not, however, leave his land, marry, or choose a profession for either his sons or himself without the permission of the lord. In practice the lord's consent had often become a mere formality in the German-Austrian lands, and sometimes exacting a fee was even the limit of the lord's power. In the Bohemian Crown Lands, on the other hand, the lords were more jealous of their prerogatives, and were consequently more likely to hold to the letter of the law which favoured them.[7]

The Austro-Bohemian peasants themselves were divided into several classes, depending on the land they held. In the first place there were a few freeholders (Freisassen) whose number was generally insignificant. The second class of peasants was the so-called Rustikal serfs. Rustikal lands were those occupied by peasants for

life tenure and registered in the land roll (Kataster) as serf-held lands. A rustikal peasant was obliged to pay a land tax (Kontribution) to the state, and, in addition, owed his lord various fees and robot services in return for the use of the manorial mill, buildings, etc., and, of course, for the supposed protection and justice afforded him by his master. In addition, since rustikal lands were in fact legally owned by the lord, the occupants were required to pay rent in cash, kind, or services -- or a combination of the three. The third class of peasants was the Dominikalisten. These were landless serfs to whom the lord leased those lands registered in his own name on the Kataster. Occupants of dominikal lands were also required to pay rents and to perform robot services, with the only difference that the Dominikalist's obligations were usually greater than those of a Rustikalist. A fourth class of peasant was the Häusler who occupied a house on the lord's land and might have a small garden, but who supported himself essentially by farming the lord's land. The last class of peasants were the Inleute who were usually without land of any kind and who lived by performing various services at the lord's house, in his fields, or in his mills or brewery.[8]

Both rustikal and dominikal peasant could either purchase land -- in which case he could not be evicted except for negligent farming, a criminal offence, or heavy debt, and with his lord's permission could borrow on it, sell it, or bequeath it -- or land could be held in usufruct only, a much more tenuous position. In practice, however, the latter were seldom evicted, and usually passed on their lands to their

heirs without much difficulty. Naturally, even when land was 'bought in' (eingekauft), the lord maintained his overlordship (Obereigentum) and revisionary right (Heimfallsrecht).[9]

The specific obligations of the peasant alluded to above not only varied according to the status of the subject, but also, within this sphere, from estate to estate. In essence his duties were threefold. First the peasant was the foremost taxpayer of the state. This tax was collected by each lord on his own estate; the state, merely setting the minimum amount of 'contributions' required from each province, did not interfere. Since the nobles themselves had to make up deficiencies, it would seem safe to assume that they were quite scrupulous in their collection. The peasant's second major obligation was his tithe to the Church. Though this was not exacted everywhere, the nobles were wont to add it to the seigneurial dues wherever the Church renounced it. Lastly, and most importantly, came the peasant's obligations to his lord. It was here that reform was most desparately needed. The more political rights the nobles began to lose over the years at the hands of the central government, the more they retreated to their positions as landlords in an attempt to increase their revenues that way. In the final outcome the peasant was inevitably the victim.[10]

In many places the lord claimed the right to mill the peasants' grain at a price, and in others controlled the entire liquor monopoly. In addition to this the peasant was obliged to pay literally dozens of dues of various kinds. One village in Bohemia had to pay levy for the maintainance of the seigneural wolfhounds, although wolves had long

since been exterminated there, while the nobles of Moravia managed to collect 248 different kinds of dues among them (not all, of course being levied by any one single individual). The seigneurial tithe, payable in kind, usually amounted to one sixth of the peasant's produce; while the 'gifts', which were delivered by the peasant to the lord on special occasions, were no mean loss. Payments in cash ranged from relatively small house or chimney taxes to the more burdensome dues levied on change of tenancy after death (mortuarium) or for a transfer between two living persons (laudemium).[11]

But by far the most burdensome obligation and, for the lords, the main source of income was the robot. This was the obligation most hated by the peasants, and as a result also became the chief focus of their unrest. These robot services consisted not only of labour in the fields, but also of such functions as running errands, driving coaches, hunting or fishing for the lord, working in his vineyard, or even spinning for him. Very often the lords made such exorbitant demands on the peasant for robot services that the peasant had very little time or energy left to cultivate his own fields. One petition to Joseph from an unnamed peasant read:

> Most merciful Lord! Four days we are occupied with robot, on the fifth in fishing, the sixth in hunting, and the seventh belongs to the Lord God! Consider, oh most merciful lord, where should we find the money for our taxes and dues?[12]

In most cases here too one day of Zugrobot was usually equated to two days of Handrobot. In Bohemia the number of days of Zugrobot a year was limited by a patent of 1738 to 156; in Lower Austria it was 102.

Figures for other provinces generally varied between these two numbers.[13]

Not only the nobles, but the state's main source of income was also the peasant. Since impoverished and exploited peasants obviously were in no position to pay, the Vienna government found it necessary to intervene in agrarian matters.

The purpose of this study then, is to analyze the attitudes and policies of Joseph II and Leopold II toward this agrarian problem. The investigation shall be limited to the German Hereditary Provinces, the Bohemian Crown Lands, and Galicia -- or, in other words, to those lands under the administrative control of the so-called "royal and imperial united Austro-Bohemian Court Chancellery" (k. und k. vereinigte böhmische-österreichische Hofkanzlei). Even so, it is necessary to make certain exceptions. Robot services had never existed in the Tirol, though it belonged to the Hereditary Provinces. The peasants there were no longer serfs, as they had been emancipated by the sixteenth century,[14] and considered it an insult to be compared with those of the rest of the monarchy. In a protest against Joseph's great agrarian reforms in 1789, deputies of the Tirolian peasants insisted that "a Tiroler has never been subject to anyone save his monarch. The last farmer works his plot himself and possesses the same rights on it as any nobleman."[15] Even Joseph to a large extent found it folly to interfere with a constitution that satisfied both the government and the inhabitants. In the Littoral the robot was similarly, almost non-existent, and even at the height of the great flurry of robot patents issued during the 1770's, Vienna found it unnecessary to issue one for these lands.[16]

The more remote parts of the Habsburg Empire must also be ignored here. In the Austrian Netherlands 'serfdom' was quite limited, and in some places such as Flanders, Hennegau, and Luxembourg, the noble only received a yearly rent and a few indirect payments in cash and in kind. This is not to say that abuses did not exist in the Habsburg's Belgian Lands, but they were of an entirely different nature.[17] In Milan-Mantua the peasants held their lands on a perpetual tenure payable in cash. These Italian peasants were generally prosperous and self-assured; agrarian legislation was minimal; and the province in general enjoyed an almost unrivaled degree of autonomy.[18] In the group of small German fiefs north of Switzerland, known collectively as the Vorlande, labour dues had been generally commuted to cash or kind. Since it was one of the few places in the Monarchy that suffered from over-population, it was generally encouraged to go over to a handicraft and "industrial" rather than an agrarian economy.[19]

More serious may seem the omission of an analysis of the two emperors' attitudes to the agrarian problem in Hungary. This is certainly not to say that such a problem did not exist or was of a minimal nature. In fact, rather the reverse is the case. In many ways the situation in Greater Hungary was analogous to that of Greater Austria, but in many other respects it is a different situation altogether. In their capacities as kings of Hungary, the Habsburgs could not adopt the same attitude and pursue the same policies as they did in their other lands. Not only was Hungary a separate legal and administrative unit, but solutions to identical problems

were rarely the same. Also the Habsburgs were tied by certain constitutional oaths in Hungary that did not bind them elsewhere. By its very nature, an investigation of the royal agrarian policies in Hungary must constitute a separate study; and, though there is perhaps need for a comparative study of the agrarian policies in Greater Hungary and Greater Austria, it is not the purpose of this study to do so. The Habsburgs themselves, it would seem, condoned this natural division, for when Joseph II ordered his complete edicts and decrees published, these restricted themselves to the German Hereditary Provinces, the Bohemian Crown Lands, and Galicia.[20] With Leopold II this tradition was continued.[21]

This study is furthermore limited essentially to the reigns of Joseph II and Leopold II, although considerable attention will also be paid to the mother of these two monarchs, the Empress Maria Theresia. The study falls into three major divisions: 1) the development of Joseph's agrarian thought from its first mention in 1761 to 1783, when the great tax and land reform was decided; 2) the attempt of Joseph to enact this sweeping reform, 1783 - 1790, and 3) Leopold's efforts to cope with this Josephinian legacy up to his own untimely death in 1792. To date this subject has enjoyed no satisfactory investigation in the English language,[22] and no real unified study even in German.[23] This is a strange neglect, especially when Joseph is so often credited with the most sweeping agrarian reform of the Enlightenment.[24]

Perhaps this is due to the fact that Joseph's policies have

always been interpreted as tremendously single-minded. When he was twenty years old he wrote a memorandum to his mother suggesting that peasants be freed of the robot; twenty-eight years later he passed his famous land and tax reform decree. The connection seems obvious, as, indeed, E.M. Link has it:

> "our present situation," he wrote fifteen years before his accession, "demands every attention and prompt remedy." The principles by which this remedy was to be achieved were as clear to him in 1765 as in 1780 or 1785: the centralization of the Austrian state and the promotion of comparative equality among its members. For the fulfillment of this aim, the emancipation of the Austrian peasant was an absolute necessity.[25]

Equally obvious, to the proponents of this thesis, is the reason why no 'emancipation' decree was published before 1780: "At every step Joseph stumbled over the conservatism of his mother,"[26] Maria Theresia, branded "a bigoted and fanatical reactionary."[27] It seems quite clear, therefore, that the perspicacious and reform-minded Joseph, anxious to abolish serfdom and 'emancipate' the peasants, was held back by the conservatism of his mother; and that her death in 1780 opened the gates for Joseph to implement his long-sought reforms which followed immediately.[28]

But whether Joseph's peasant policies were really "as clear to him in 1765 as in 1780 or 1785," and whether indeed it was due to the conservatism of his mother that this policy remained unfulfilled for so long remains to be seen. There is no doubt that Joseph was a zealous reformer and that he often expressed a desire to change the existing order radically and quickly. To what extent, and precisely in what

way this is true of his agrarian policies is the subject of this study. Leopold, too, often criticized for supposedly destroying or surrendering the great liberal reforms of his brother, needs closer examination. Although he only reigned for two years, those years were critical ones indeed, and hardly deserving of the neglect historians have thus far shown them.

FOOTNOTES FOR INTRODUCTION

1

Charles Morazé, "Finance et despotisme, essai sur les despots éclairés," Annales, Economies, Civilisations, III (1948), 279-296. See also: Preserved Smith, A History of Modern Culture, Vol. II: The Enlightenment, 1687-1776 (New York, 1934), p.28.

2

For an excellent introduction to this period see: Norman Hampson, The Enlightenment, The Pelican History of European Thought, Vol. IV (London, 1968), pp. 43-72. Also of great interest is Leo Gershoy, From Despotism to Revolution, 1763-1789, The Rise of Modern Europe, ed. by William L. Langer (New York, 1944), pp.1-47.

3

Ludwig von Mises, "Die Entwicklung des Gutsherrlich-Bäuerlichen Verhältnisses in Galizien (1772-1848)," Wiener Staatswissenschaftliche Studien, IV, No.2 (1902), 1-13. For a history of the gradual deterioration of the status of the peasant in Poland see: Walther Maas, "Zur Entwicklung der polnischen Agrarstruktur vom XV. bis XVIII. Jahrhundert," Vierteljarschrift für Sozial-und Wirtschaftsgeschichte, XX (1928), 490-498.

4

In this respect his fate was similar to that of his Russian counterpart.

5

Robot is derived from the Czech word robota, meaning forced labour.

6

Mises, pp. 13-26.

7

On the legal status of the peasants in the German and Bohemian lands see: E.M. Link, The Emancipation of the Austrian Peasant, 1740-1798 (New York, 1949), pp. 14-16; C.A. MacCartney, The Habsburg Empire, 1790-1918 (London, 1968), pp. 61-63; W.E. Wright, Serf, Seigneur, and Sovereign: Agrarian Reform in Eighteenth-Century Bohemia (Minneapolis, 1966), pp. 14-18; Gustav Otruba, Die Wirtschaftspolitik Maria Theresias (Vienna, 1966), p. 106ff; and Anton Mell, Die Anfänge der Bauernbefreiung in Steiermark unter Maria Theresia und Joseph II, Forschungen zur Verfassungs- und Verwaltungsgeschichte der Steiermark, Vol. V, Book 1, (Graz, 1901) pp. 15-18.

8

W.E. Wright, "The Initiation of Robota Abolition in Bohemia," Journal of Central European Affairs, XVIII (October, 1958), 243-244.

9 MacCartney, pp. 61-63.

10 Ibid., pp. 63-71.

11 Ibid., pp. 63-71, Link, pp. 14-16.

12 Paul von Mitrofanov, Joseph II: Seine politische und kulturelle Tätigkeit, trans. by V. von Demelic (2 vols.; Vienna & Leipzig, 1910), II, 596.

13 Link, pp. 48-61, MacCartney, pp. 63-71.

14 Otto Stolz, "Die Bauernbefreiung in Süddeutschland im Zusammenhang der Geschichte," Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte, XXXIII (1940), 24-26.

15 Mitrofanov, II, 588.

16 MacCartney, p. 65fn.

17 Mitrofanov, II, 587.

18 MacCartney, pp. 33, 65, 67.

19 Ibid., pp. 68, 74.

20 Joseph Kropatschek, ed., Handbuch aller unter der Regierung des Kaisers Joseph II. für die K.K. Erbländer Ergangenen Verordnungen und Gesetze in einer Sistematischen Verbindung (18 vols.; Vienna, 1785-1790), passim. Henceforth referred to as HJG.

21 Joesph Kropatschek, ed., Sammlung der Gesetze welche unter der glorreichsten Regierung des König Leopold des II. in den sämmentlichen K. Erblanden erschienen sind, in einer chronologischen Ordnung (5 vols.; Vienna, 1794-1796), passim. Henceforth referred to as SGL.

22

The two major works in English are by Link, op.cit., and Wright, op.cit. Link confines herself to the German Hereditary Provinces and, although she has done some valuable description of peasant relations, her account is generally sketchy, unclear, and not based on archival sources. Her interpretation is also no longer tenable. Wright, though proporting to deal with "Agrarian reform in eighteenth-century Bohemia," devotes more than half his book to the agrarian policies pursued on the lands controlled by the crown. Monarchical policy towards the peasants on private estates is treated only in summary form, and throughout without aid of the collection of laws and decrees. In any case, the study is confined to the province of Bohemia only.

23

The best treatment of Joseph's peasant policies is contained in Mitrofanov, op.cit., which, to date, also remains the best general biography of the 'royal revolutionary', though in some aspects it is rather antiquated. The great tax and land reform enjoys a detailed study in Roman Rozdolski, Die Grosse Steuer- und Agrarreform Josephs II: Ein Kapitel zur österreichischen Wirtschaftsgeschichte (Warsaw, 1961). The definitive study on the agrarian reforms in the Bohemian crown lands remains the by now rather dated Karl Grünberg, Die Bauernbefreiung und die Auflösung des gutsherrlich- bäuerlichen Verhältnisses in Böhmen, Mähren und Schlesien (2 vols.; Leipzig, 1894) volume 2 is a collection of sources. Mises' study performs the same service for Galicia, and Mell for Styria. The only major treatment of Leopold is the recent Adam Wandruszka, Leopold II (2 vols.; Vienna, 1963-1965).

24

Fritz Hartung, "Der Aufgeklärte Absolutismus," Historische Zeitschrift, CLXXX, No.1 (1955), 35. Frank E. Manuel, The Age of Reason (Ithaca, N.Y., 1965), p.95.

25

Link, pp. 97-98.

26

Saul K. Padover, The Revolutionary Emperor: Joesph II of Austria (2nd ed.; London, 1967), p.43.

27

Ibid., p.55.

28

See also: Adam Wolf and Hans Zwiedineck-Südenhorst, Österreich unter Maria Theresia, Joseph II, und Leopold II, 1740-1792 (Berlin, 1884), p. 133: "Auch in der Frage der Agrarreform wollte Josef rascher vorwärts gehen als seine Mutter und die Mehrzahl der

Minister." Manuel, p.92, maintains that Maria Theresia called for moderation "despite her son's chafing at the bit to institute a vast peasant reform." Geoffrey Brunn, The Enlightened Despots (Gloucester, Mass., 1963), p.44: "He plagued his mother with unsolicited projects for the abolition of serfdom." Other historians who share this thesis are Ernst Benedikt, Kaiser Joseph II, 1741-1790 (Vienna, 1936), passim, and Hartung, p.35.

CHAPTER I

THE BEGINNING OF JOSEPH'S PEASANT POLICIES, 1765 - 1783

It was not Joseph, but the Empress Maria Theresia who inaugurated the policy of extensive intervention in manorial affairs.[1] Although foreign affairs thrust themselves most immediately upon her when she first ascended the throne in 1740, she soon discovered that internal problems greatly affected these. In her Politisches Testament she later recalled that after the end of the Seven Years War

> I changed my way of thinking and turned my thoughts solely to internal matters, in order to find requisite measures to hold and protect the Hereditary Lands from the powerful enemies, Prussia and Turkey, despite a lack of fortifications and money as well as a weakened army..... And since the Peace of Dresden it was my single concern to learn of the strength and situation of the provinces, and next to rectify the abuses which had crept into the administration of each, which had caused the most evil disorganization and confusion.[2]

Aside from a more efficient defence, her motives were undoubtedly economic. However, crass economic determinism was not the only moving force behind agrarian reform. The populationist theories of Johann Heinrich von Justi[3] and Joseph von Sonnenfels[4] also found favour with the royal circles at Vienna. According to these, the people are the basic asset of the state, and therefore an increase in population means an increase in power, security, wealth, and cultural progress.[5] To this end Justi advocated a "benevolent and mild government"[6] which would leave its subjects "all possible and reasonable freedom" and not meddle in their private affairs,[7] and also give them freedom of conscience.[8] In a word, increase in population went hand in hand with a "favourable

standard of living."[9] Sonnenfels expressed the same sentiments in 1782 in a more militant vein:

> Never has defenceless weakness wanted to entrust its rights to the stronger but for its protection..... never has confidence been more shamefully abused than when protection was converted into the right of the lord, when people, endowed by nature with equal rights of body and soul, were degraded to property of their fellow human beings.[10]

And even Kaunitz himself, Maria Theresia's favourite adviser and since 1760 first minister of her empire, advised his mistress on the wisdom of concerning himself with the peasant problem:

> The other sovereigns of Europe.....are also restricting the privileges of the nobility more and more, for the real power of the state lies with the majority of its servants, that is to say, with the Third Estate -- it is they who merit the greatest attention.[11]

Maria Theresia did not fail to be impressed by these arguments, and she recognized the main task of her internal administration to be the alleviation of the burdens of the peasant.[12]

Joseph's first mention of the agrarian problem was in his famous memorandum to his mother on 3 April 1761. He advocated that the robot should be equated to a money fee and paid to the state, not the lord. The state would then assign soldiers to perform the physical work owed to the lord.[13]

It would, however, be a mistake to assume from this that Joseph had a burning interest in the agrarian problem. The entire memorandum is devoted primarily to military affairs, and the tone of the suggestion of the abolition of the robot is unmistakably tangential. However, even if it was not merely an incidental thought, it

was nonetheless soon abandoned. In his second great memorandum to his mother at the end of 1765, he said of his previous effusion, "I am abandoning my phantasies."[14] While the first memorandum bears undeniable witness to Joseph's reforming zeal, it thus gives no indication that his peasant policies had neared maturity. Maria Theresia seems not even to have dignified Joseph's thoughts with an answer,[15] and thereafter the young prince seemed content to retire to the joys of private life for the next four years.

Joseph's real entry into the affairs of state came after the death of his father in August 1765. On 23 September 1765 Maria Theresia appointed her "most beloved, firstborn, most serene lord son" as co-regent of her empire for her further "comfort and relief". Soon thereafter Joseph submitted another, longer memorandum to his mother.[17] This time his suggestions for reform were more sweeping and more encompassing, but reference to the peasants was even vaguer and more tangential than four years previously. He accepted the populationist theory,[18] but his main concern seems to have been with finances:

> The income and expenditure of revenues constitute the two rubrics upon which everything else depends. Under the first it is necessary.....that the burden be equal and that lord and bourgeois and peasant each contribute their just proportion.[19]

Aside from this he contented himself with the sentiment that the sovereign's inviolable maxim should always be that "his own person, his happiness and true pleasure can never be separated from the good of the entire monarchy."[20] Although these thoughts reflect a cam-

eralist ideal in the eighteenth century, there was no mention of abolishing the robot, no suggestion for sweeping agrarian reform, and no indication of concern for the peasants outside of their financial significance. Nevertheless, in a quite demonstrative passion for reform, there is ample evidence indeed that the law of patrimony meant less to him than the law of right and reason -- at least as he saw it.[21] The memorandum, which was too radical for Maria Theresia, gave her little "comfort and relief"; and even Kaunitz, who was no conservative, remarked sardonically: "I believe it is very important not to interfere in all the insignificant details of the lives of men. We should at least give everyone the liberty to dress as they wish."[22] Taken up with other problems, it is quite clear that Joseph, even if he had begun to formulate certain views on the subject, did not press the agrarian issue during the first few years of his co-regency.

For Maria Theresia, on the other hand, the agrarian issue had taken on major proportions. Already in 1751 she had issued a Reskript forbidding the confiscation of serf land by the lords, and imposing a penalty of restitution and fine for violations. Also that year a reorganization of the counties (Kreise) and the offices of the county officials (Kreisamthauptmann) brought royal impartiality to what had previously been an Estate-controlled and hence serf-opposed office, and thus began the process of removing the barrier of the Estates which had previously stood between the peasants and the crown.[23] In addition, a so-called subjects' lawyer (Unterthansadvokat) was appointed in each province to represent the peasants in court action.[24] In 1776 Maria

Theresia issued a Robotregulisierungspatent for Hungary in which the robot was regulated to three days per week. In 1768 the manorial lords were forbidden to take away the serf's victuals; the next year the 10% tax of peasants for fallow fodder was abolished; and, soon thereafter, the lords were forced to provide food for imprisoned serfs.[25] But Maria Theresia's real accomplishments in the field of agrarian reform were yet to come. In her instructions to county officials in 1751 she had commanded that they keep a watchful eye on any seigneurial despotism and oppression of the peasants.[26] The first instance of such oppression reported to Vienna came from the royal Kreisamthauptmann in Austrian Silesia, Ernst Freiherr von Locella, whose report Maria Theresia turned over to the Chancellery in December 1767. It in turn appointed a commission to look into the condition of the peasants, and by 1769 the latter reported that

> due to the arbitrary imposition of the robot, the peasants are reduced to downright slavery; they have become savage, brutalized and agriculturally apathetic to their assigned lands. They are unstable, scrawny and dressed in rags.[27]

Both the Chancellery and the empress were shocked at the findings. Tobias Philip Freiherr von Gelber, a member of the Chancellery, remarked, "It is with shock, nay, with true disgust and painful sympathy that we see the exceptional suffering that the poor subjects endure at the hands of the lords."[28] His colleague, Egyd Valerian von Boiré, expressed his revulsion with the simple words: "This is worse than in Hungary!"[29] Maria Theresia's reaction was no less immediate. In June she issued a Robotregulisierungspatent for Silesia similar to

the one for Hungary; and on 26 July she published a decree which read in part:

> As far as the determination of the obligations of the peasants to their lords is concerned, the Chancellery is to serve the directive whereby, primarily, the peasants, as the most numerous class of subject, the foundation and the greatest strength of the state, be supported in such a condition that they can care for themselves and their families and also be able to pay the general land taxes both in peace and war. From this it is understood that neither an Urbarium nor a contract, and least of all a custom, of no matter what antiquity, will be allowed which will be inimical to the said maintainance of the subject.[30]

At the same time complaints were also reaching her ears from Bohemia -- especially from the estates of Baron Lazansky at Manetin, Baron Klenau at Benatek, and Prince Mannsfeld at Dobříš. The respective county officials in these areas were commanded to investigate the complaints, and when they proved to be too prejudiced in favour of the lords, they were replaced.[31] The investigation at Dobříš soon found that all the worst of Bohemian serfdom was exemplified on the Mannsfeld estate. The serfs were forced to buy goods and services from the lord at inflated prices; they were subject to sharp dealings in the purchase of fire and building wood; crops damaged by the lord's game went uncompensated; pasture rights were refused; the serfs received no payment for draying for the lord; they had to submit to forced and disadvantageous land exchanges or even to outright confiscations; the robot had to be performed in fields, mines and foundries; the lord could demand money payments in lieu of robot at his own pleasure and price; and the least complaint and resistance was met with inhuman punishment.[32]

The revelations of the Dobříš investigation undoubtedly found the ear of Joseph, but still he seemed to remain strangely silent on the subject of agrarian reform. He wrote to his brother that "the love of the fatherland and the well-being of the monarchy is in truth.....the only passion that I feel and the only thing which causes me any concern."[33] But aside from this concern for the empire in general, there is none of the insistent, almost frantic urging, so characteristic of Joseph in other areas, on the peasant question. When a decree was published in 1770 which tried to legislate against all the abuses brought to light by the Dobříš investigation,[34] it was still largely the work of Maria Theresia. The decree, however, by no means constituted a thorough-going peasant reform; and a natural disaster was required to light up all the inadequacies of the previous agrarian legislation. Bad weather ruined the crops of 1770 and 1771 and, especially in Bohemia, the peasants were reduced to starvation: 16,000 of them were said to have died of hunger.[35] The agrarian problem suddenly moved to the center of the stage.

Joseph himself now decided to visit the stricken provinces in order to see for himself how best to deal with the calamity. He was incensed at the conditions he found and threw himself immediately into the arrangement of relief measures. He ordered grain sent immediately from Hungary and actively concerned himself with the people's sufferings.[36] The agrarian problem suddenly took on an air of urgency for Joseph as it had never done before. Unfortunately the notorious lethargy and red tape of the Austrian state machinery that was supposed

to provide the much-needed relief in Bohemia and Moravia frustrated the emperor's sudden enthusiasm. The treasury considered the proposed delivery a very "complicated operation,"[37] and by the time ways and means had been found to deal with the problem, Joseph had already lost his temper. Almost despairingly he wrote his brother in September 1771:

> We are still in the same sad state here. This apopolectic lethargy and langour still remains; we have not come out of it yet. In the end, despite all my appeals, nothing has been done to relieve Bohemia.[38]

Apparently, however, Joseph never questioned the fundamental principle of the robot. Meanwhile, though relief supplies were slow in coming, all was not quiet in Vienna.

On 6 October 1771 Maria Theresia appointed an agrarian commission under Baron Khevenhüller to investigate conditions in Bohemia and to draw up recommendations for dealing with them.[39] The commission's suggestions were hardly calculated to be popular with the lords. They called for a maxima of three days a week to be established in the robot; suggested that this should be graduated according to size of the peasant's land holdings; that the lord and subject should reach new voluntary agreements within the maxima; and that no agreement should be considered valid before it was approved by a commission.[40] The majority of the Court Chancellery, led by its head Baron Chotek, immediately met the proposals with opposition; but Maria Theresia would have none of it. Chotek was replaced by Hatzfeld and he in turn was replaced six months later with Blümegen -- a man not so sensitive

about the rights of the lords.[41] At the end of February 1772 the legal machinery handling the serf's grievances against their lords was set up, and a year later specific penalties for guilty lords were established.[42] Also in 1772 two further Robotregulisierungspatente were issued for Upper and Lower Austria -- in the latter case limiting the robot to only a two-day maxima,[43] so that wholesale agrarian reform seemed well on the way. But these were minor measures next to what Maria Theresia was now contemplating. While Joseph was still complaining about the administrative bureaucracy of the Austrian state, his mother began to think in terms of an outright abolition of serfdom. In November 1772 she wrote Kaunitz that the abolition of serfdom was "the only thing that would still keep me at the helm."[44] As might have been expected no one supported the empress in her design; but her desire to aid the peasants remained undaunted: ".....it is nevertheless my earnest will," she wrote, "that the oppressed Bohemiam subject be aided effectively without delay by at least a provisional patent."[45]

The resolution of the empress forced the hands of the Estates. On 27 October 1773 they presented Maria Theresia with a set of counter-proposals. They agreed that lords and serfs should reach new agreements, but where no agreement was reached the county official was to decide on the basis of the custom and local usage. They desired the financial statements thus arrived at to be held secret until they could all be published simultaneously. They still desired relatively heavy robot services, and they requested that a deputy from each Estate be added to the agrarian commission.[46] These proposals were meaningless.

If the serf did not come to an agreement on the lord's terms, the lord could invoke the arbitration of the county official who would then be required to regulate on the basis of custom and local usage -- i.e., the status quo ante. Furthermore, if a deputy from each Estate were added to the agrarian commission, it would become an organ of the Estates rather than the government at Vienna. Maria Theresia refused to be moved. "For the sake of a few magnates and nobles," she wrote to Count Palffy, "I do not intend to risk eternal damnation."[47]

Joseph, on the other hand, was inclined to be more conciliatory. In the long and careful memorandum to his mother on 23 February, 1774, he outlined his views on the issue. The real solution of the question, he said, was dependent on the wealth of both the subject and the lord; for if peasants, bougeoisie and lords could no longer pay their share of the taxes the state income would be too drastically reduced. At any rate, he continued, the situation was so confused that it was difficult to steer a middle course between the two extremes where on the one hand it was thought that Bohemia would go aground if the robot was not limited, and on the other hand, it would ruin the lords if it were. Bureaucrats who advocated the former course were insufficiently acquainted with the details, while the lords who advocated the latter were prejudiced by their own interests. Although he could not deny the seriousness of the situation he had himself witnessed, he was nevertheless convinced of the impossibility of finding a satisfactory basis for the resolution of this problem in the council chambers. To seek such a thing was to him an "absurdity." He con-

sidered it irresponsible to presume to have discovered an approximate standard because experiments, which were always dangerous to the life of the state, would in this case have irreparable consequences. He therefore rejected any all-compassing agrarian systems and advocated that each estate should individually come to a voluntary agreement with its serfs. Where this did not occur within six months, the decision ought to be left to the county officials.[48] Hasty as Joseph was in so many other respects, he now appeared to be the model of restraint and compromise.

Weary of the solitary battle, Maria Theresia now left the decision to her son. Joseph published an instruction (Unterricht) in April 1774 in which he set a limit of three days on the robot, the amount due in each case to be based on the land tax paid by the serf, and allowed six months for the parties to reach agreement. When the lords asked for a public notice that "free" agreements could exceed the three day maxima, they were granted it.[49] It is not surprising that under these circumstances the peasants were not willing to negotiate. The lords responded with severity, but four years of dire deprivation had driven the peasants to extremes. In the course of the winter of that year rumours abounded that mysterious and illuminated figures appeared in Czech villages prophecying the end of the world.[50] In January 1775 the peasants rose in revolt, and it required 40,000 regulars and four regiments of cavalry to put them down. Thereafter Kaunitz thought it unwise to do anything in Bohemia until it had been quietened down, but Joseph was sufficiently shaken to press for

a Robotregulisierungspatent. Maria Theresia supported her son and the patent was accordingly published on 13 August 1775 for Bohemia and 7 September for Moravia. Once thoroughly involved, Joseph's tone took on the urgency and impatience so characteristic of him in other matters. In July he had complained to his brother that agrarian affairs were "still swimming in incertitude,"[52] and only four days before the publication of the patent he again wrote Leopold asking rhetorically, "Do you think that the Empress has yet come to a decision in this damned agrarian matter?"[53] But after the decree was published Joseph seems to have been content.

The patents of August and September constituted a thoroughgoing regulation of the robot. They exempted sick people, invalids, peasants over 60, discharged soldiers, retired peasants, and single or married children working for their parents from labour services. They established a yearly robot maximum of 13 days for landless serfs and set the annual limit of Handrobot at 26 days with no more than three days a week. They forbade robot on Sundays and Holy days; they limited the daily winter work to eight hours and the summer to twelve; and, though they permitted serfs to be worked on other lands, they calculated the travel time as part of the day's work.[54] Unfortunately the patents did not have the desired effect of solving the agrarian problem. In Joseph's opinion, "it did not have the effect that one expected of it, because it was written in an incredibly bungling and nearly unintelligible manner."[55] But Maria Theresia was more perspicacious than her son in divining the root of the problem:

> The peasants were pushed to the extreme by the excesses of the lords. For the thirty-six years that I have ruled, these gentlemen have known, precisely as today, how to arrange things in such a manner that there was no way of seeing them clearly, and the subjects were always under the same oppression.[56]

The old practice did not change now. In many places the lords did not even let their serfs know about the patent, and where it was known it was often not enforced.[57]

In the newly acquired Habsburg province of Galicia peasant reform was a consuming interest of Vienna right from the beginning. Although the Galician nobility had hoped to be allowed relative local freedom, the government was determined from the first to run the province on the "German model,"[58] and demonstrated this determination by including Galicia in the Austro-Bohemian administrative unit. Maria Theresia's initial concern was to put a stop to the alarming number of peasants fleeing Galicia. A decree designed to prevent such emigration, on 16 November 1772, however, hardly had the desired effect and had to be renewed again on 1 March 1777.[59] Maria Theresia certainly did not suffer under the illusion that a simple order would keep the peasants on the land and realized that the source of the problem still lay in the incredible need of the peasants, who in places even lacked seed-corn. Between 1772 and 1773 several patents forced the lords to provide their serfs with seed-corn, even if they themselves lacked it (in which case they were made responsible for its purchase), and they were also made responsible for any damage to it.[60] At the same time, Austrian occupation also meant an immediate infringement on the lord's

legal rights. On 20 October 1772 it was ordered that no death penalty could henceforth be pronounced without the permission of the empress herself; and by a patent of 18 March 1775 the peasants gained the right to bring complaints against their lords.[61]

Seeing the drift of events, the Galician nobles took steps in an attempt to counteract what was for them an alarming trend. On 22 February 1774 a deputation of them pleaded against any kind of agrarian reform and claimed that the lot of the Galician peasant had always been a happy one. In addition, they argued, it would most certainly be economically unfeasible to rob the noble of the "proper" use of his estates.[62] But in Vienna it was known that things were otherwise. Right after his appointment as governor of Galicia, Count Johann Anton Pergen suggested the abolition of serfdom -- so struck was he by the conditions he found.[63] Joseph himself, on his visit to the newly acquired province in 1773, considered that "the peasant is a miserable creature who has little human about him but his body and his life."[64] And, in addition, bureaucratic reports painted the picture so black that Vienna could not help but know which way the wind was blowing:

> The peasant is a born slave of his lord.....who has nothing he can call his own, not even his very person -- with which the lord disposes at his pleasure, so that even the homicide of a subject is carried out with impunity, or when justice does take place, is punished with 30 Marks.[65]

Accordingly, Johann Christoph von Koranda, a bureaucrat who had made a name for himself in agrarian matters in Bohemia, was appointed head

of a new department concerned with taxes and serf oppression, and he immediately began to press for reform.[66] Joseph's idea of reform in Galicia consisted of extending the agrarian legislation of Hungary, a still quite conservative document, to the new Polish province, or, failing this, a provisional patent designed to abolish at least the worst abuses.[67] The empress, however, needed no such urgings. On 18 April, 1775 she ordered the Galician nobles "to proceed with forbearance in the collection of taxes"; to refrain from behaving in an inhuman and harsh fashion; and to "maintain the subject in a taxable state (contributionsfähigen Zustande) by means of seigneural help and care."[68] On 3 June of the same year a more substantial decree brought some order to the agrarian chaos of Galicia. This decree provided that the peasant was no longer to purchase certain quantities of brandy from his lord; that he could no longer be fined; that physical punishment for offenders could only be carried out under certain conditions; that the only kind of work peasants could be made to do on Sundays and Holy days was the kind performed by house servants; that any additional work aside from robot obligations had to be paid; that outside of the legal robot contained in the "old, authentic inventories," no additional work could be required from the peasant; that no one could be forced to a regulation of his robot duties against his will; that all complaints of the serfs were to be investigated; and, that henceforth lords were "to treat the peasants equitably, paternally and philanthropically."[69] However, Maria Theresia realized that even this decree was inadequate, and she therefore commanded the

Gubernium[70] of Galicia to make recommendations for a Robotregulisierungspatent similar to those already published in Silesia, Bohemia, Moravia, and Upper and Lower Austria. As the recommended patent reached Vienna, however, Maria Theresia was already dead; and it was left to Joesph to sign and release it provisionally on 5 January, 1781 -- his first piece of agrarian legislation after his accession to the throne.[71]

It was usually assumed in Viennese circles that agrarian conditions in the German Hereditary Provinces were measurably better than anywhere else in the Empire. As early as 1766, however, it became apparent that at least in Styria the peasants' lot was far from being a model for the slavic provinces. That year complaints reached Vienna from the 'green' march's peasantry that they had to perform robot services on Sundays and Holy days; that such services were required for sixteen hours in a day; that additional services were required at harvest time; that both Handrobot and Zugrobot were often required at the same time; that robot services were demanded outside of the manor in which travel time was not counted; and numerous other complaints, by now familiar, that the lord's prerogative had been reduced to simply an instrument of exploitation.[72]

That the Styrian nobility was no less obdurate than its Bohemian or Galician counterpart soon became evident. After an easy introduction of Robotregulisierungspatente in Upper and Lower Austria in 1772, the government tried to extend these to Styria. Immediately the Styrian lords formed an ad hoc commission which presented its side of the story to the empress on December 18, 1772. Most vociferously

they objected to any comparison between themselves and Lower Austria and considered the imposition of a two-day robot maxima per week an unjustified interference of the crown into the ancient rights of the Estates as well as an unjustified devaluation of individual domains. As "proof of the Estate's devotion" to the Empress, however, they were willing to reduce the weekly maxima to four days! In conclusion they tried to impress upon the Empress, with all the economic arguments that they could find, that it would be in her interest to maintain the present "equilibrium" between lord and peasant.[73] The Chancellery tried to take a compromise stand on the issue, and on 13 February 1773 recommended a weekly maxima of three days for Styria. Thus prevented by the Estates, the Styrian Gubernium who supported the Estates, and the Chancellery from introducing the two-day maxima, Maria Theresia decided to temporarily abandon the attempt to alter the agrarian status quo in Styria.

It was four years before the empress again turned her attention to Styria, but in the meantime great strides were being made in other areas of the monarchy. As has been shown above, it was during this time that the agrarian problem took on critical dimensions in Bohemia as well as being one of the most pressing issues in the newly-acquired province of Galicia. Robot patents for Bohemia, and Moravia, and agrarian legislation for Galicia all made their appearance in 1775; and Maria Theresia's immediate concern thereafter was to attempt to meet the shortcomings of these patents with further legislation. At first she tried to persuade the recalcitrant nobles by means of a

good example. She accepted a plan submitted to her by Franz Anton von Raab, a member of the royal Chancellery, which called for the abolition of the robot and the distribution of the land to the peasants, and allowed Raab to try his experiment on two crown estates in Bohemia, Schurz and Schatzler.[75] If it could be demonstrated that this plan could be both humane and profitable, perhaps the nobles would follow her lead. The lords, however, failed to be impressed. Even after the Raab system had not only shown itself viable but also more profitable than previous practice, they considered it below their dignity and remained blind to its advantages.

There remained only one course of action. Urged on by one of the most liberal members of the Chancellery, Anton von Blanc, who denounced serfdom as "that despised bond of humanity,"[76] Maria Theresia now began to consider an outright abolition of the robot by royal decree.[77] Kaunitz, although he saw the emancipation of the peasants and the complete abolition of the robot as a worthy goal for the future, did not favour it at present.[78] Joseph, on the other hand, would have none of it at all. In August 1775 he called the robot "an essential part of our entire state which it is impossible to abolish by fiat,"[79] and a letter of the empress to one of her other sons, Ferdinand, at the end of January 1777, revealed that the emperor remained uncompromising as ever:

> I believe that if the emperor, I will not say helps me, but only remains neutral, I would be able to abolish serfdom and the labour services; then everything would be in order. But unfortunately these nobles, seeing that I will not allow myself to be

> swayed by them, have taken the side of the emperor, and the spirit of discord which abides here, causes me much suffering.[80]

The struggle was brief. Under the combined pressure of the co-regent, all her ministers, and the Estates, the valiant empress was finally forced to yield. She was on the point of pushing the reform through, she reported in mid-February, when the nobility, to which all of her ministers belonged, raised her son against her "and so succeeded in annihilating the work of two years in the wink of an eye." She wished that the present legislation would be enough to maintain peace and order, but she feared that it would not be so. "People without hope have nothing to lose," she exclaimed, and in deep distress added, "need knows no law."[81] Joseph remained entirely unaffected, and complained bitterly about his mother to Leopold:

> The empress, in short, wanted to upset the whole robot patent which was published a year ago. With all possible solemnities she wanted to abolish service obligations; regulate arbitrarily contracts and rents that the peasants, to whom one has rented the land, have paid to their lords for centuries. She wanted to change the whole rural economy and system of ownership. Finally, she wanted to alleviate the debts and obligations of the subjects without having the slightest regard for the lords..... Here, then, is the crisis in which we find ourselves.[82]

Thus, though a new agrarian patent did make its appearance in Bohemia on 1 March 1777, it contained nothing new and only commanded the strict observance of the legislation of 1775.[83] And Maria Theresia, though defeated, still did not give up hope, and expressed the wish "to see all these robot services abolished as soon as possible."[84]

In this same year the question of the Styrian peasant was

again opened -- this time by the nobility. Count Cajetan von Sauer, a Styrian aristocrat well acquainted with the agrarian problem, took it upon himself that year to compose a long memorandum to the empress on agrarian reform in Styria. After a lengthy historical review of aristocratic prerogatives, Sauer concluded that there could be no talk at all of abolishing the robot. He conceded the regulation of unlimited robot obligations to a weekly three-day maxima, but insisted that peasants who previously had to perform longer labour services make up the difference in cash. Above all, he insisted on "voluntary" agreements between peasant and lord which always kept in mind "local conditions."[85] Sauer's memorandum was first submitted to the Chancellery on 26 April, and a month later to the Gubernium of 'Inner' Austria[86] for study. One member of the latter body, a certain von Curti, expressed his dissatisfaction with Sauer's sentiments in an undated memorandum of the Chancellery:

> The welfare of the state demands the maintenance of the subjects as the main tax-payer on whom everybody lives. Therefore the sovereign has not only the right, but the duty, previous pacts, contracts, judicial decisions and traditional customs notwithstanding, to obtain in this matter an adequate remedy which will lighten the burden of the subject.[87]

He considered the commutation of more than three-day robots to money payments a continuation of the same oppression; and saw the sham of "voluntary" agreements when there were no standards by which such agreements could be measured.[88] Though the Chancellery tended to sympathize with Sauer, Maria Theresia let it be known on 22 August 1777 that the light shed on Sauer's memorandum by that of Curti was

not to be ignored in the preparation of a decree, and that she furthermore did not want to hear any more about robot services exceeding three days a week.[89] Despite the empress' resolution, however, the patent was subject to a protracted debate which the stubbornness of the Styrian Estates kept going for more than a year. Only on 5 December 1778 was she finally able to order the publication of the Styrian Robotregulisierungspatent which, wihtout much further ado, was at the same time also extended to Carinthia.[90] The patent for Styria and Carinthia closely resembled that of Bohemia; it established a weekly robot maxima of three days but provided that a peasant who had missed previous ones could make them up -- though under no circumstances could his weekly total exceed four days and his yearly total 156. Where "existing customs and traditional usages" had required less than three days a week these were to remain in force.[91]

Joseph, in the meantime, concerned himself little with these affairs. Once the Bohemian patent of 1 March 1777 was safely out of the way, he embarked on his famous trip to France from the beginning of April to the end of July of that year, and agrarian matters seemed to recede into the background of his mind. That his journey made a tremendous impression on Joseph's mind is beyond doubt, and that some of these impressions were the seeds which later grew into the great Josephinian reforms is also altogether likely.[92] However, while such speculations are intriguing, it should be kept in mind that when the trip was originally planned it was intended as a manoeuvre in foreign affairs. The Emperor, on the pretext of coming

to visit Marie-Antoinette, was supposed to see what could be done with his ally and brother-in-law, Louis XVI, in backing Austrian ambitions in Bavaria.[93] It was only a last-minute aide-memoire of Kaunitz, who was not particularly anxious that Austria should commit herself, that prevented Joseph from bringing the matter up;[94] and the visit was thus one of little political consequence. On the other hand, Joseph certainly interested himself in the economic thought of Turgot, Lomenie de Brienne and Necker, and when the last named fell from grace in Paris in 1781, the emperor even gave serious thought to bringing the Swiss banker to Vienna.[95] Joseph's main impression, however, seems to have been of industrial development, while his agrarian thought seems not really to have been affected at all.[96] In general, too, he was not at all impressed with France, and came away with the view that the condition of the Bourbon Monarchy was deplorable.[97]

By the end of 1777 the death of Max Joseph of Bavaria riveted the emperor's attention to foreign affairs, and for the following two years his energies were entirely consumed by first the crisis and then the 'potato war' of the Bavarian Succession. The conflict proved a bitter disappointment for Joseph; technically at war with Prussia, without even diplomatic support from his ally, France, and with Russia offering mediation but with its troops deployed for action against Austria, he was a long way from Kaunitz's Grand Coalition of 1756. When Austria had to renounce Bavaria by the Treaty of Teschen, Joseph realized that his main concern for the present would have to be to mend some diplomatic fences and to extricate his empire from a dif-

ficult international situation, rather than get involved in questions of agrarian reform. Accordingly, the very next year, 1780, saw him depart for a lengthy sojourn to Russia from April to late October in an attempt to supplant Prussia at St. Petersburg.[98] On his way there he passed through Lemberg and from there wrote his mother a letter on 19 May 1780 in which he noted that "if agrarian reform was ever necessary, it is well so here." If Galicia was to be kept in a "taxable state," something would have to be done, Joseph maintained; but he betrayed his still conservative outlook on the subject of expressing the opinion that the Hungarian model would be the simplest way of doing this.[99] He did not linger on the subject, however, and devoted himself energetically to the task of swaying Catherine II to greater pro-Austrian sympathies. In this he succeeded brilliantly, and the more favourable Austro-Russian relations of the eighties here found their birth. Nevertheless, Joseph found little reason to be jubilant when he returned to Vienna on 22 October: Maria Theresia was seriously ill, and in little more than a month she was dead.

Dissatisfaction with the empire he inherited did not cease once Joseph became sole ruler. In a letter to the Duke of Choiseul in December 1780 he indicated that, though he was satisfied with his principal minister, Kaunitz, he was happy with little else. Above all, he maintained, he was unhappy with his provincial governors and with the church's influence on his government. Expenses would have to be curtailed, and the finances would need to be reformed.[100] By April, Joseph began to turn his attention to the

peasants. In a negatively-worded decree on the seventh of that month which stated that His Majesty would accept no memos or petitions unless signed by the subjects' agent (Unterthanagent), the emperor established an official channel by which he himself could be reached;[101] and when less than a month later Joseph Anton Welz was appointed Unterthanagent and received an office at the court,[102] he was immediately so swamped with work that within less than a year it became necessary to lay down specific forms and procedures on how to approach various organs of government.[103] Nor could a smooth-running state machine such as Joseph desired stand on ceremony. "In all petitions," it was ordered, "even those to His Majesty himself, all titles and introductory and concluding formalities are to be left out, and in future will contain only that which is necessary to discharge the business."[104] No statement could more appropriately set the tone for Joseph's reign!

That summer Joseph embarked on yet another trip -- this time to the Netherlands, Holland and again to France. However, before he departed, he left behind adequate warning that upon his return some changes would be made in the agrarian constitution. By means of a circular of 23 April 1781 he announced his intention to abolish the remaining existing 'serfdom' in the Bohemian Crown Lands and put these on an equal footing with his German Hereditary Provinces.[105] That such legislation was so soon in coming, however, is no indication that, as has been so often assumed, Joseph had planned it all along and that only the conservatism of Maria Theresia had prevented its implementation sooner. As has been seen, the empress was much more progressive

in agrarian matters than her son during the period of their co-regency, and it would seem more likely that Joseph's peasant policies were still evolving and continued to do so, even in the first years of his reign. This is borne out most strikingly in early Josephinian legislation where each new law seems to arise out of some obscurity or misunderstanding of a previous one. This is not to deny that Joseph intensely disliked the selfish particularism of the nobles, nor to say that he was unaffected by ideas of natural right; it is merely an assertion of the fact that policy rarely follows a rigid and consistent pattern even with the most doctrinaire autocrats.

One such case in point is the judicial legislation in the first year of Joseph's reign. To put a stop to seigneurial arbitrariness, lords were forbidden in the spring of 1781 to inflict punishment on their serfs with a cane;[106] but from this Joseph soon realized that rather than issue dozens of decrees legislating specific problems, it would be wiser to release a more all-embracing patent. No sooner had he returned from his trip, therefore, than the entire judicial recourse of the peasant was rationalized. The patent certainly did not constitute any revolutionary agrarian reform. It spoke of the "necessary subordination" of the subject to the lord and charged the peasants to be duly obedient and submissive to their masters and follow all prescribed channels when wishing to lodge any complaints. It provided that before punishment could be carried out, an investigation had to take place before a judge and two neighbours; limited the punishment the lord could impose; and in all cases of serious crime required

a report to be made to the Kreisamt.[107]

On the same day that this so-called Strafpatent was released, the complaint procedure of the peasants was also rationalized in a so-called Unterthanspatent. This patent required all peasants to seek redress of grievance first and foremost from their lords. Complaints had only to be received on a weekly Amtstag; had to be presented either in writing or orally in front of a manorial judge who had to enter this into an appropriate Protokoll; and had then to await redress for at least 30 days before the injured party was free to take further action. After this the peasant could demand a copy of his complaint Protokoll on 24 hours' notice and take this to the Kreisamt who was then to attempt to settle the problem amicably. Should this fail, the latter was to advise the peasant of his rights and recourses and send all the necessary papers to the provincial exchequer where an Unterthansadvokat would take the case and appear in court with it within eight days.[108]

Accompanying this patent was a series of instructions to the Unterthansadvokaten enjoining that official to defend the peasant to the best of his abilities and generally to assist him with his legal problems. He was to report periodically to the Unterthanagent at Court on the general situation of the peasants, and if he was found negligent in his duties or charged peasants fees, he was to be fined from five to ten dukats, and, upon third offence, be dismissed from his office and punished.[109]

Two months later further instructions, this time to the Kreisämter, continued the process of elucidating judicial legislation.

The Kreisamthauptmann was informed that henceforth all punishments were to be carried out at the point of the crime and not at the Kreisamt in order to serve as a lesson to others. He was furthermore reminded that the punishment of dispossessing the peasant was to be reserved only for the last resort; that the peasant had to be informed of the mechanics of the legal procedure so that it would not work against him; that a monthly record of subject complaints were to be sent to the provincial government; that the Kreisamthauptmann himself was to keep a watchful eye on any oppression of the peasant, to fine guilty petty officials on first and second offence, and to report all other offenders -- lords included -- to the government. The instructions concluded with a warning to all Kreisämter that neglect on their part would not be taken lightly.[110]

Joseph's announced intention of April 1781 to abolish 'serfdom' (Leibeigenschaft) in the Bohemian Crown Lands, in the meantime, provoked a lively debate. The most characteristic objection of the nobles was penned by Prince Fürstenberg when he denied that serfdom as such even existed in Bohemia and insisted that the peasant there had always "only been treated as a natural subject (natürlicher Unterthan);"[111] and even the Bohemian Estates, when they made their counter-proposals to the emperor in July, insisted first and foremost that the term 'serfdom' be replaced with 'hereditary subject' (Erbunterthan).[112] But as far as Joseph was concerned a difference did exist, and it was precisely this difference that he intended to abolish.

When the patent was finally released on 1 November, 1781, the

preface accordingly stated that serfdom was to be abolished and replaced with a "defined subjectivity." In so doing the peasant was henceforth given the liberty to marry according to his choice, only having to give notification of his intent to do so; he could leave the manor and seek work elsewhere; he could learn the trade of his choice without seigneurial permission; and he was no longer required to perform any household services (Hofdienste). Further, the compulsory service of peasant children at the lord's house was abolished except in the case of orphans where it was restricted to three years. In conclusion the patent reminded the peasants that all their obligations to their lords -- whether robot or fees in cash or in kind -- were to continue to be paid according to all the agrarian legislation in effect.[113] In a resolution of the same day, Joseph put the nobles' minds at ease by informing them that this patent was to be regarded "merely as a personal benefit" which would certainly not alter the peasants' obligations drastically.[114]

Joseph's intentions became clear only when this legislation is considered in the light of yet another patent released in the Bohemian Crown Lands on 1 November. This is the so-called Land Purchases Patent (Grundeinkaufspatent) which encouraged peasants to 'buy in' -- or, in a word, to have the peasants solidly rusticalized wherever possible. The patent provided for a peasant of Rustikal tenure to use his land as he saw fit and mortgage it up to two-thirds of its value without the lord's permission. In order to insure that the peasant would not be forced into disadvantageous purchases, the patent further

decreed that no one could be forced to 'buy in' against his will.[115] The effect of these two patents taken together was to establish a certain amount of free competition. On the one hand the peasants were encouraged to 'buy in', and on the other, received the relative liberty of movement that allowed them to 'buy in' where they could drive the best bargain. This, in effect, would prevent the nobles from driving too hard a bargain, and at the same time, or at least so Joseph hoped, greatly increase the number of 'bought in' peasants -- who, it should be added, were the main tax payers of the state. That the emperor was indeed anxious for this process to take place is demonstrated by the fact that he demanded a biennial report on the progress of the buying in process from the Kreisamt;[116] issued another decree within two months by which dominikal peasants could be evicted if someone else wanted to 'buy in' his holding;[117] and sternly again reminded the lords in September of 1782 that they were to allow peasants to 'buy in'.[118]

Once this legislation had been established, Joseph characteristically found it the starting point of yet further reforms. The ostensible reason why serfdom had been abolished in the Bohemian lands was to bring a certain amount of uniformity to the status of the peasant there and in the German Hereditary Provinces. The Bohemian decree had spoken of the German provinces as a model, but it was not long before the emperor began to question how really 'model' conditions were on his German lands. Upper and Lower Austria, it seems, proved to have sufficiently liberal agrarian legislation for the emperor,[119] but 'Inner' Austria was another matter. On 19 November 1781 the Gubernium of

Styria, Carinthia and Carniola was sent a copy of the Bohemian patents with instructions to enquire from the various provincial Estates if serfdom existed in these provinces, and if so, how it could be done away with.[120] Always the most vociferous conservatives, the Styrian Estates replied in December that the term 'serfdom' was entirely unknown in their lands.[121] This was hardly a reply to pacify the emperor. On 9 February 1782 the Estates received blistering instructions to report precisely if the conditions of the Bohemian patents existed point for point in their lands, and if so, in what form.[122] The Estates reiterated that serfdom did not exist in Styria; they conceded that the peasant's liberty of movement was somewhat restricted, and that in areas "customary" orphan services were required; but they insisted that these restrictions were part of the sacred constitutional rights of the nobles. The implementation of a Land Purchases Patent the Estates also deemed thoroughly unnecessary since the peasant held and used his own land and enjoyed the right of purchase. Only a few so-called 'penny-grounds' (Pfenniggründe) remained unbought in lower Styria, they added, for which no one would apply.[123] Similar objections from the Carinthian and Carniolian Estates were then amalgamated and sent to the Chancellery on 3 March 1782. In May Joseph received these reports and a detailed criticism of them from the Chancellery and noted:

> As the word serfdom [Leibeigenschaft], as the Estates claim, is no longer known in the Inner Austrian Lands, but on the contrary we are only dealing with the abolition and reform of certain effects of serfdom that are either residues of former times or have crept in

> gradually, the word serfdom must by all means be omitted from the patent to be published. As far as the content of the patent itself is concerned, the same personal freedom as is provided in the Bohemian and Moravian patents must be granted and insured without exception.[124]

By a patent of 11 June 1782 the peasants of Styria were accordingly granted those personal liberties that they yet lacked to place them on par with their Bohemian brethren.[125] The Carinthians received their patent a month thereafter,[126] and Carniola in October of the same year.[127] The rights of the lords in regard to the subjectivity of the peasants (unterthänigkeit) remained untouched. In some places nobles tried to subvert the patents by not informing their peasants, but a decree sternly warning the lords about "false publication of the patent" early in 1783,[128] did its work, and thereafter the patents seem to have encountered no further obstacles.

FOOTNOTES FOR CHAPTER I

1 Link, pp. 12-13.

2 Joseph Kallbrunner, ed., Kaiserin Maria Theresia Politisches Testament (Munich, 1952), pp. 50-51.

3 Johann Heinrich Gottlob von Justi (1705-1771) was one of the major cameralists of the Habsburg Empire. A prolific writer and a lecturer at the Theresanium, he was one of the most influential economic thinkers of his time. He was a firm believer in the social contract theory and an opponent of such concepts as 'royal absolutism' and 'balance of power'. His last years were spent in the service of Frederick II of Prussia.

4 Joseph von Sonnenfels (1733-1817) was, like Justi, an influential cameralist and professor at the University of Vienna. Unlike Justi, he was an advocate of 'enlightened despotism' and became one of Joseph's favourite advisers. He produced the final draft of the agrarian and tax reform patent of 1789.

5 Louise Sommer, Die österreichischen Kameralisten in Dogmengeschichtlicher Darstellung (Reprint of the edition Vienna, 1920-1925; Aalen, 1967), pp. 170-444; Robert A. Kann, A Study in Austrian Intellectual History from late Baroque to Romanticism (New York, 1960), pp. 146-258.

6 Johann Heinrich Gottlob von Justi, Staatawissenschaft, oder, Systematische Abhandlung aller ökonomischen und Kameralwissenschaften, die zur Regierung eines Landes erfordert werden (2 vols.; Reprint of 2nd. ed., Leipzig, 1758; Aalen, 1963), I, 164.

7 Ibid., p.165

8 Ibid., pp. 165-166.

9 Sommer, p. 235.

10 Joseph von Sonnenfels, "Die erste Vorlesung im Jahre 1782," quoted in Kann, pp. 180-181.

11 François Fejtö, Un Habsburg Révolutionnaire, Joseph II: Portrait d'un despote éclairé (Paris, 1953), p.85.

12 Carl Freiherr von Hock and Herm. Ing. Bidermann, Der österreichische Staatsrath (1760-1848) (Vienna, 1879), p.68.

13 Alfred Ritter von Arneth, ed., Maria Theresia und Joseph II: Ihre Correspondenz sammt Briefen Joseph's an seinen Bruder Leopold (3 vols.; Vienna, 1867-1868), I, 6.

14 Ibid., III, 360.

15 Paul P. Bernard, Joseph II (New York, 1968), p.21.

16 Th. G. von Karajan, Maria Theresia und Joseph II. während der Mitregentschaft (Vienna, 1865), p.6.

17 M.T., Jos. Corresp., III, 335-361.

18 Ibid., p.344: "la population ... contribue le plus à la grandeur et richesse de l'Etat....."

19 Ibid., p.345.

20 Ibid.

21 Wolf & Zwiedineck, p.126.

22 Fejtö, p.87. Joseph had advocated, among other things, that, in order to cut on expenses, all court officials should wear simple black.

23 Ignaz Beidtel, Geschichte der österreichischen Staatsverwaltung, 1740-1848 (2 vols.; Reprint of the edition Innsbruck, 1896; Frankfurt a.M., 1968), I, 30-34.

24 Link, p.119. See also: Helen P. Liebel, "Administrative Reform and Enlightened Despotism in Eighteenth-Century Germany," Fondazione Italiana per la Storia Amministrativa, Annale, V (1970), in press.

25 Bernard, p.44; Padover. p.49

26 Alfred Ritter von Arneth, Geschichte Maria Theresia's (10 vols.; Vienna, 1863-1879), IV, 38-41.

27 Fejtö, p. 130.

28 Hock & Bidermann, p. 68.

29 Ibid.

30 Ibid., pp. 68-69.

31 Arneth, Maria Theresia, IX, 593: "Da übrigens nicht wohl möglich ist, das die denen Unterthanen widerfahrende Bedruckungen denen Kreisämterm verborgen seyn können, mithin dise letztere entweder durch Eigennutz oder menschlichen Respect von der Befolgung des Robot-patents de anno 1738 art. 34 abgehalten werder, so würde des zu gänzlicher Behebung aller unterthänigen Praegravationen des ausgibigste Mittel seyn, wenn die poena cassationis auf die unterlassung gesetzt und solche toties quoties in die Erfüllung gebracht würde, so oft Beschwerden, welche die Kreisämter nicht abgestellet, vorkommen und und befunden werden. Die fernere Anlage anthält das verzeichniss einiger Dominien, wo derley Bedruckungen ausgeübet worden. Es wird also nöthig seyn, dass die diessfällige Untersuchung veranlasset, diese aber nicht dem eigenen Kreishaubtmann, sondern einem Guber-nialrath mit Zuziehung eines Raths von der Appelation oder auch eines Kreishaubtmanns aus einem anderen Kreise aufgetragen, und wenn die Unterdruckung erhoban wird, sogleich mit der Cassation des eigenen Kreishaubtmannes fürgegangen werde."

32 Grünberg, I, 196-197.

33 M.T., Jos. Corresp., I, 225.

34 Hock & Bidermann, p.69.

35 David Ogg, Europe of the Ancien Régime, 1715-1783. The Fontana History of Europe, ed. by J.H. Plumb (London, 1965), p.210.

36 Wright, p.44.

37 Gaston von Pettenegg, ed., Ludwig und Karl, Grafen und Herren von Zinzendorf, Minister unter Maria Theresia, Joseph II, Leopold II und Franz I: Ihre Selbstbiographien nebst einer kurzen Geschichte des Hauses Zinzendorf (Vienna, 1879), p. 136.

38 M.T., Jos. Corresp., I, 344.

39 Arneth, Maria Theresia, IX, 347.

40 Grünberg, II, 204-206.

41 Wright, pp. 45-46.

42 Hock & Bidermann, p.70.

43 Link, pp. 48-52; MacCartney, p. 65.

44 Arneth, Maria Theresia, IX, 349.

45 Ibid., p.351.

46 Hock & Bidermann, p. 71.

47 Henry Marczali, Hungary in the Eighteenth Century (Cambridge, 1910), p. 192.

48 Arneth, Maria Theresia, IX, 353-355.

[49] Grünberg, II, 226-234.

[50] Fejtö, pp. 135-136.

[51] Arneth, Maria Theresia, IX, 358-367.

[52] M.T., Jos. Corresp., II, 71.

[53] Ibid., p. 81.

[54] Grünberg, II, 257-270.

[55] M.T., Jos. Corresp., II, 87.

[56] Alfred Ritter von Arneth, ed., Briefe der Kaiserin Maria Theresia an Ihre Kinder und Freunde (4 vols.; Vienna, 1881), II, 66-67.

[57] Ernst Denis, La Bohême depuis la Montagne-Blanche (2 vols.; Paris, 1903), II, 561.

[58] Mises, p. 31.

[59] Ibid., pp. 31-32.

[60] Ibid., p. 32.

[61] Ibid., p. 35.

[62] Ibid., p. 37.

[63] Arneth, Maria Theresia, X, 79.

[64] M.T., Jos. Corresp., II, 14.

[65] Mises, p. 37.

[66] Ibid., pp. 38, 39.

[67] Ibid., p. 38.

[68] Ibid., p. 34.

[69] Ibid., pp 39-40.

[70] The Gubernium was the provincial administrative board. See Appendix I for definitions of terms recurring frequently in this study.

[71] Mises, p. 41. The essence of this provisional patent was to limit the weekly robot maxima to three days.

[72] Mell, p. 87.

[73] Ibid., pp. 88-92.

[74] Ibid., pp. 92-94.

[75] Wright, p. 54; Fejtö, p. 138.

[76] Grünberg, II, 294.

[77] Viktor Bibl, Kaiser Joseph II: Ein Vorkämpfer der Grossdeutschen Idee (Vienna & Leipzig, 1943), p. 79.

[78] Arneth, Maria Theresia, IX, 379.

[79] Hock & Bidermann, p. 77.

80 Briefe an Kinder u. Freunde, II, 67.

81 Ibid., p.69.

82 Fejtö, pp. 139-140.

83 Grünberg, II, 79.

84 Ibid., 280.

85 Mell, pp. 94-102.

86 Styria, Carinthia and Carniola.

87 Mell, p. 105

88 Ibid., pp. 105-107.

89 Ibid., p. 109.

90 Ibid., p. 138fn.; MacCartney, p. 65. Link, p. 6, maintains that "the regulation for Carinthia, which had been projected, was to take place only in the time of Joseph II," but is unable to offer any evidence or reference for this contention.

91 Mell, pp. 138-150; Link, pp. 60-61.

92 Hans Wagner, "Die Reise Josephs II nach Frankreich 1777 und die Reformen in Österreich," Österreich und Europa. Festgabe für Hugo Hantsch zum 70. Geburtstag Hrsg. Institut für österreichische Geschichtsforschung and Weiner Katholische Akademie (Graz, Vienna & Collogne, 1965), pp. 221-246.

93 Paul P. Bernard, Joseph II and Bavaria: Two Eighteenth Century Attempts at German Unification (The Hague, 1965), p.30.

94 Benedikt, p. 74.

95 Alfred Ritter von Arneth and M.J. Flammermont, eds., Correspondance Secrète du Comte de Mercy-Argenteau avec L'Empereur Joseph II et le Prince de Kaunitz (2 vols.; Paris, 1889-1891), I, 26, 27, 43, (Nos. 14, 15, 25).

96 Wagner, pp. 228-229; Benedikt, p. 77; Mitrofanov, I, 94.

97 Mitrofanov, I, 141.

98 Gershoy, p. 184.

99 M.T., Jos. Corresp., III, 243.

100 Franz Leopold von Grossing, ed., Briefe von Joseph dem Zweyten, als charakteristische Beiträge zur Lebens- und Staatsgeschiche dieses unvergesslichen Selbstherrschers (Leipzig, 1821), pp.40-42.

101 HJG, I, 10: Decree of 7 April 1781.

102 Ibid., p. 11: Decree of 4 May 1781.

103 Ibid., II, 12-20: Decree of 2 January 1782.

104 Ibid., I, 12.

105 Grünberg, II, 371-373.

106 HJG, I, 37: Decree of 30 May 1781.

107 Ibid., pp. 34-38: Decree of 1 September 1781.

108 Ibid., pp. 20-31: Decree of 1 September 1781.

109
Ibid., pp. 31-34: Instrukzion of 1 September 1781.

110
Ibid., pp. 38-42: Instrukzion of 28 October 1781.

111
Grünberg, II, 373.

112
Ibid., p. 275.

113
HJG, I, 57-59: Patent of 1 November 1781.

114
Grünberg, II, 387-389.

115
HJG, I, 61-63: Patent of 1 November 1781.

116
Ibid., p. 63: Verordnung of 7 December 1781.

117
Ibid.: Decree of 28 December 1781.

118
Ibid.: Decree of 20 September 1782.

119
Mell, p.50, quotes a collection of laws for Lower Austria unavailable to this author, in which the Bohemian patent is quoted verbatim for that province. Link, p. 106fn., denies that such a law was passed in Lower Austria since she could not find any other reference supporting this view. Considering that Joseph at this time considered his German provinces as a 'model', it is highly unlikely that such a decree was passed in Lower Austria -- especially on the same day.

120
Mell, pp. 174-175.

121
Ibid., p. 175.

122
Ibid., pp. 175-176.

123
Ibid., pp. 176-180

124 Ibid., pp. 180-181.

125 Ibid., p. 184: Patent of 11 June 1782.

126 HJG, I, 59: Patent of 12 July 1782.

127 Ibid., III, 21: Patent of 13 October 1782.

128 Ibid., I, 59, Decree of 19 February 1783.

CHAPTER II

THE GREAT TAX AND LAND REFORM OF JOSEPH II, 1783 - 1790

It had become clearly obvious to Maria Theresia that no amount of good example on crown-controlled estates was going to change the private landowners' attitudes to the agrarian problem. However, she nonetheless allowed the reforms begun by Franz Anton von Raab during 1777-1780, namely of parcelling out lands to the serfs at modest rentals and commuting robot to money-payments, to continue. After Raab had demonstrated the efficacy of his system on the estates of Schurz and Schatzler, the empress allowed him to extend it to some other royal estates where in the subsequent years it also proved quietly successful.

For a long time the Raab system, or robot-abolition system (Robotabolizionsistem) as it was then known, received little attention from Joseph. His first reference to it came early in 1781 when he decreed that neither private nor crown lands were to receive any subsidies whatsoever in implementing the system.[1] The first really decisive impression made on Joseph by the Raab system came in August of that year when the Court Accounting Office (Hofrechenkammer) submitted a report of the incomes of those estates where the system was in effect.[2] This was the language that Joseph understood. In a note to Kollorat he observed:

> The.....report of the Court Accounting Office demonstrates that the robot-abolition system is at least not harmful economically, and politically quite certainly useful and its extension desirable since it increases the population, cultivation, industry and animal husbandry.[3]

For this reason he therefore commanded the Chancellery to submit as soon as possible recommendations for the extension of the system to all crown-controlled lands.[4] In September he ordered the exact compliance with and execution of the system wherever it existed;[5] and, by a Handbillet of 22 January 1782, he again expressed his intention to extend the system to all the royal estates of Bohemia and Moravia.[6]

The Chancellery took up its task and proceeded at such a leisurely pace that it was a year before it made its required report. In the meantime, Raab fell out of favour with the emperor. Concerned with the uniformity of each robot abolition contract he drew up, Raab had made an accounting error in the financial reports from Schurz and Schatzler. Joseph, on the other hand, was not concerned with uniformity in the application of reforms, merely with, characteristically, uniform accounting and reporting.[7] Hence, by the time the Chancellery submitted its report on 23 January 1783 Raab was demoted and the Robotabolizionsistem without a general director. The report was a far cry from what Joseph had requested, dealing only with the request of the peasants from the royal estate of Libtschau to have the abolition system introduced there.[8] By now, however, the emperor was ready for action on a larger scale. On 4 February 1783 he informed the Chancellery,[9] and a week later decreed that the robot-abolition system was to be "introduced or at least attempted" on all estates controlled by the state in the Bohemian Crown Lands according to the following three principles: 1) That the robot be abolished "at least to a large extent", 2) that demesne lands were to be divided accord-

ing to their amount and condition, 3) that serfs were to be granted full ownership of the land they actually occupied.[10] To fill the posts of high commissioners Joseph called on Johann Paul von Hoyer for Bohemia and Anton Valerian Freiherr Kaschnitz for Moravia and Silesia.[11]

Hoyer and Kaschnitz were not without questions about procedure and other practical problems involved in their new tasks, and in reply to these Joseph sent a note to Kollowrat in March for their information and "exact compliance." Only dominikal lands were to be leased, the emperor wrote, and the agreement that lord and subject reached should be in their mutual interests. The robot was to be transmuted to payments in cash or in kind as far as possible and was no longer to be demanded in tilling the lord's land; the peasant was to receive full ownership of rustikal lands; non-robot services should remain in effect or be commuted to payments according to the preference of the parties involved; and, in a provision that was to be left secret, if ecclesiastical landowners refused to come to reasonable agreements they were to be threatened with a land survey -- much land not having been declared when the registration for taxation had been made.[12] With the issuance of these guidelines, the work began in earnest; and in the subsequent months commissioners were installed in Galicia and some of the German Hereditary Provinces.[13]

For seven months Joseph did not disturb the workings of the system, for he wanted to accomplish abolition on domain lands and lands otherwise controlled by the crown with as little interference from the crown as possible. By November, however, his patience with the rate

of progress came to an end. In a note to Kollowrat, head of the Chancellery, he accused the lords of the church and monastic lands of deliberately impeding progress, and charged Hoyer to begin exerting pressure on obstinate lords while at the same time seeing to the rights of the peasants.[14] Then, two weeks later, he apparently decided that these measures were not enough. In another note to Kollowrat he required Hoyer and Kaschnitz to submit reports on what had been accomplished within ten days, since he was leaving on a trip for Rome then, and to come personally to Vienna as soon as the emperor returned from Italy.[15]

The critical meeting of Hoyer and Kaschnitz with the Chancellery in Vienna took place in April of 1784. In the meantime Joseph created yet another body to deal with the problem, the Court Robot Abolition Commission (Robotabolitionshofcommission), and made Count Karl von Zinzendorf, already head of the Hofrechenkammer, its president on the twenty-sixth of that month.[16] This commission, too, sat in on the meeting, and it was it that reported to the emperor on 30 April 1784. The report attributed the greater success of Kaschnitz in Moravia and Silesia to the fact that Kaschnitz generally followed the Raab system, whereas Hoyer was not too concerned that the peasants be granted ownership, leased lands only on six-year terms, and based wages for hired labour not on the value of production, but on the value of a robot day as defined by the patent of 1775.[17] Since these terms were hardly as favourable as Raab's -- or, indeed, as those outlined by the decree of 10 February 1783 -- it is not surprising that the peasants were not as quick to negotiate contracts as

in Moravia where the 'Raab system' still functioned. Hoyer, of course, blamed the lords for any hold-ups in negotiating abolition contracts,[18] and Joseph was inclined to sympathize with him. On 10 May he expressed his agreement with what Hoyer was doing, and when the Abolitions Commission tried to reiterate its objections to what had in Bohemia now become the 'Hoyer system', the emperor replied that the main thing was the abolition of robot services, not the means by which this was done.[19]

After this debate in the spring of 1784, the bureaucratic procedure involved in the negotiation of an abolitions contract were then established so that once a contract had been negotiated it was sent to the Kreisamt to be reviewed and signed. The Kreishauptmann, in turn, sent it to Zinzendorf's commission for revision if necessary. They would then pass it on to the emperor for final ratification. Still progress was slow in Bohemia. In July Zinzendorf repeated his contention that Hoyer's system was to blame for the difficulties in Bohemia since it worsened, not improved, the peasant's position. Zinzendorf asked that the emperor insist that Hoyer follow the regulations set down by the decree of 10 February 1783, but Joseph only noted the report and did nothing about it.[20] As the summer progressed Zinzendorf grew gradually angrier at Hoyer until finally, on 10 August 1784, he addressed a scathing indictment of the commissioner to Joseph. He accused Hoyer of deliberately ignoring the regulations of the decree of 1783, of acting arbitrarily without accounting for his actions to the commission, and of neglecting to report his activi-

ties. For these reasons Zinzendorf therefore requested that the Commission be relieved of supervision of robot abolition in Bohemia. Joseph informed Zinzendorf that the Commission was to carry on as before, and when he visited Bohemia in September he still seemed solidly behind Hoyer.[21]

At the end of September, however, an accounting report revealed that Hoyer was leasing the estate of Jungfern-Brzezǎn with the claim that its income was 30,000 Gulden higher than it actually was.[22] Zinzendorf immediately took advantage of this revelation and again pressed his case on Joseph, and by December had shaken the emperor's confidence in Hoyer. Having finally gained the advantage, Zinzendorf pressed on relentlessly and even made bold to observe that the emperor seemed to have forsaken his own principles as expressed in his decree of February 1783.[23] This was too much. To settle the difficulties once and for all, Joseph called Hoyer and Kaschnitz to yet another meeting with the Abolitions Commission, and from the discussions that ensued it was clear that Hoyer had shot his last bolt. He was relieved of his duties on 4 Febuary 1785 and replaced with the cameral administrator for Bohemia, Johann Joseph Erben.[24]

For Zinzendorf this was an empty victory. Strained by overwork and prompted by a growing dislike for Joseph, he begged to be relieved of his duties as president of the Abolitions Commission. When he was indeed finally relieved of this job, he dispatched a note to Kollowrat which showed how little had been done in the past two years. Although the emperor ratified 30 abolition contracts for

Moravia and Silesia where Kaschnitz was still implementing the 'Raab system', he could boast of only six in Lower Austria, four each in Bohemia and Galicia, one in Upper Austria, and only one for all of Styria, Carinthia and Carniola combined.[25] Zinzendorf's post was given to Tobias Phillip von Gebler, an experienced official, and the Abolitions Commission was placed under the jurisdiction of the Chancellery. Wherever necessary, new commissioners were appointed in the various provinces.[26] In the case of Galicia, where a lack of local population prevented too many contracts from being concluded, the system was carried out with the aid of 20,000 German immigrants, mostly from Württemberg.[27] In the following years, the Robotabolizion-sistem thus enjoyed much greater success than heretofore and was widely extended to the apparent satisfaction of all concerned.[28]

Joseph, in the meantime, had become engrossed in a plan, already conceived in 1783, which, within six years would lead to the most sweeping agrarian reform of the Enlightenment -- the great land-tax rectification.

The idea of a land-tax reform was not a new one in the Habsburg domains. Both Justi and Sonnenfels had advocated a tax on land, based on a reassessment of its actual value and extent and levied without distinction as to the status of the owner.[29] And with the acquisition of Galacia in 1772 a body of bureaucratic opinion, which could count the emperor himself as one of its own, favoured basing the upcoming land-tax in that province on a new and precise survey rather than, as had previously been the case, rely on an assessment of the lands that

the lords themselves reported. The idea of conducting surveys in order to attain precise cadastral records, moreover, was one Joseph explicitly recommended for the Bohemian Crown Lands in a memo of July 1779[30] -- although it would be naive to suppose that Joseph did not at that time have ulterior military motives for desiring a precise "survey and mapping" of those areas. This did not mean, however, that the emperor at this time favoured the elimination of distinctions between noble, crown, peasant and church land, merely that the tax system then in existence be based on a more accurate cadastre.

It was the Galician problem, however, that gave the real impetus to land-tax reform. When the Galician magnate, Wielhorski, betook it upon himself to complain to the emperor about the limitation of the robot and the abolition of the right of the lord to mete out corporal punishment to his serfs, he had to outline the whole agrarian situation in his province in order to justify his grievance.[31]

Joseph took the Wielhorski memorandum into careful consideration, and then sent it, along with his own comments, to Kollowrat at the Chancellery on 4 December 1782. Joseph's note to Kollowrat showed that while the emperor had been much disturbed by the agrarian condition in Galicia, he almost entirely ignored Wielhorski's pleas to limit reform. In fact, poor Wielhorski's missive had precisely the opposite effect. The memo he had received, Joseph wrote, bore witness to the deplorable condition of Galicia; if ever robot abolition and its commutation to payments in cash or in kind were called for, it was in that province. Many nobles in Galicia had given over some of

their estates to lease-holding overseers, and these often took as much as 50% of the annual profit of the land for themselves. These lease-holders, whom he called "the true bloodsuckers of the state," Joseph wanted to remove; make the peasants themselves the hereditary tenants; and convert the nobility into simple rent-collectors (Rentenbezieher). Such a plan would require that the peasants be given ownership of their land on the one hand, and have their obligations to their lords precisely set down and regulated on the other. This, Joseph concluded, "also leads quite naturally to the constitution of the cadastre" which is really the basis from which other reforms spring.[32]

For this reason Joseph therefore created a special commission -- vehement objections from the Chancellery on whose authority it infringed notwithstanding -- under the radical adviser Johann Wenzel von Margelik, who was especially charged to produce a detailed plan for tax, agrarian and robot reform in Galicia.[33] In its report the commission recommended that the tax be based on the extent and value of the land and be levied equally on the net income of all landowners. Such an agrarian regulation, the commission advised, called for peasant obligations to their lords to be met by their 'net' income -- viz., that which remained after personal subsistence and the taxes of the state had been taken into account. Finally, the robot should be limited in a patent similar to the one for the Bohemian Crown Lands.[34]

Neither the Chancellery nor the emperor's advisory council (Staatsrath) were particularly impressed with these recommendations, and soon began to spin their fine arguments objecting to any such

measures.[35] Joseph, however, was much taken with the plan, and, while bureaucrats disparaged the efficacy of these proposals for Galicia, the emperor had evolved a similar one for the entire monarchy.

At the same time that Joseph had been concerning himself with the Wielhorski memorandum, he was also reviewing the economic condition of the entire monarchy; he expressed his desire, again in a note to Kollowrat on 14 January 1783, to find new sources of revenue for the state and to simplify the whole system of taxation.[36] It was this, combined with the obviously impressive results that the robot abolitions programme was bringing on crown-controlled estates and the convincing economic arguments of Margelik's commission that led Joseph to formulate in the winter and spring of 1783 what was later to be both damned and hailed as the great "physiocratic urbarium". His first mention of it came in a letter to Hatzfeld at the Staatsrath on 30 June 1783.

The land, Joseph maintained, was the one source from which all that served for the maintainance of man came and to which it all flowed back. This being an unchangeable truth, the emperor continued, a proper land-tax structure, based on the extent and productivity of the land, could by itself meet all the needs of the state. For this reason, therefore, he wanted to replace the heretofore existing tax system with a single tax based on land. In order for such a system to be viable, however, every member of the state, regardless of his status in life, would have to contribute an equal percentage of his income to "the commonweal" (dem Allgemeinen), the amount to be deter-

mined by the average value of the annual gross product of the land over the past ten years. From this amount the emperor considered 40% a just share for the state. Peasants, of course, would have additional responsibilities to their lords, but these obligations should be commuted to money payments and constitute no more than an additional 20%.[37]

The reaction of the Staatsrath to this proposal could have been predicted. Its report to the emperor showed that everywhere it met with bitter disapproval. Martini,[38] after paying lip-service to the emperor's "beneficient intentions," tore into the plan as wholly impractible. He said that such physiocratic theories had never before been applied in practice and were much too risky; and besides, he saw no reason why land only should be taxed since there were many people who were as rich as any landowner and owned no land at all. The interests of equality would thus not be served, and provinces whose bases were not agricultural would escape the fate of their agrarian-based neighbours. Reischach[39], too, claimed to be completely out of sympathy with "physiocratic" ideas. If a harvest failed, he maintained, the whole income of the state would be in jeopardy. Placing the lord and the peasant on an equal tax footing would lead to an inequality in taxation since the needs and duties of a noble were higher. Under such circumstances, Reischach concluded, no noble would be in any position to be responsible for the welfare of his peasants in poor years. Hatzfeld[40] attacked Joseph's plan point by point. He considered it unjust to tax the gross product of the land; since the overhead and cost of production was higher for the lord than for the peasant,

the former would end up with a comparatively smaller profit. Furthermore such a plan would violate the property rights of the lords; and, finally, a sum of 40% was much too high and downright arbitrary. Kaunitz had no objections to physiocratic experiments, but advised that the complications of the European situation forced states to apply their incomes to changing needs. Under these circumstances one actually taxed the circulating mass of currency, and since this is not owned solely by landowners it is necessary to also tax other money-earners.[41]

Joseph's reaction to the advice of his councilors is demonstrated most strikingly by the fact that he never again consulted the Staatsrath on this particular matter during the remainder of his reign.[42] Too often he was ready to assume that disagreement derived from ill will, poor judgment, or the placing of private before state interests,[43] and this time was no exception. On 24 November 1783 Joseph therefore presented the very same plan to the Chancellery in a letter to Kollowrat which was almost identical to the one he had written to Hatzfeld in June. By now, however, Joseph's land-tax idea had become more than just a mere proposal; it had become a firm resolve. "I am resolved," concluded the note to Kollowrat, "to alter the tax base in all my lands precisely in accordance with these principles."[44] The Chancellery would have some time to deal with this determined missive of their master, for, as has been mentioned above, the emperor spent this winter in Italy. However, before departing, Joseph fired a parting salvo in the form of a pastoral letter (Hirtenbrief) "for every ser-

vant of the state" on 13 December 1783, which served as a reminder to the Chancellery as to everyone else of what the emperor expected of them.

After briefly reviewing how doggedly he had attempted to make his thoughts and intentions clear; how he had not contented himself with merely issuing orders, but had worked things out and aided their development; how he had fought "conditions arising from prejudices and entrenched old customs" by means of enlightenment; and how he had attempted to influence every civil servant with his own love and zeal for the commonweal, he stated:

> I now find it part of my duty, and of the loyalty which I have given to the state in all the actions of my life, to insist with utmost seriousness upon the fulfillment and execution of all the orders and principles, without exception, which I have given, but which I have heretofore, not without regret, seen much neglected.[45]

He wanted his directives carried out as enthusiastically as he himself would do them, and not in a "mechanic and servile manner" (mechanisch-knechtische art), and declared anyone who did not serve the fatherland with love and zeal as unfit for his post. He who would serve the state has to place himself and his private interests last, and execute orders with an understanding of their purpose not by rote. Anyone who served the state selflessly, he concluded, would understand his sentiments and find their execution easy; anyone who held posts primarily out of desire for profit or honour, on the other hand, would do best "to leave an office for which he is neither worthy nor fit."[46]

During Joseph's absence the Chancellery accordingly met on 16 January 1784 to discuss this new tax plan of the emperor. With

but one dissenting voice, that of Friedrich Freiherr von Eger, a staunch supporter of Joseph, they expressed the hope that the emperor would never attempt to levy an "impôt unique" based on land; never limit the legal property of landowners; and most of all, never interfere in the relationship between lords and peasants on private estates. They were willing to concede the implementation of such a reform in Galicia "since in this reoccupied province one has an entirely free hand," but even then it would be necessary to proceed "with greatest care."[47] When this report along with Eger's dissenting minority report were sent to Joseph who was in Milan, he dispatched an angry resolution dated 22 February:

> Councillor Eger, in his voto, is the only one who has seen through the dark prejudices and concepts of selfishness to the light of the true welfare of the state. Everything is to be initiated and prepared in accordance with this, his proposal, so that upon my return I can clear up and define the particulars.[48]

In March Joseph was again in Vienna. On the twenty-ninth he commanded the Chancellery to compose a suitable patent and to cease any further delays since he had no intention of deviating from his principles in the slightest.[49]

Before the Chancellery had had any time to carry out these new orders, however, Joseph decided to override them. On 27 July 1784, under the presidency of Zinzendorf, he created a special Tax Regulation Commission (Steuerregulierungshofkommission) completely independent from the Chancellery, which at first was commissioned to put the emperor's plan into effect only in Galicia, the Bohemiam

Crown Lands and the German Hereditary Provinces, but which was also extended to the lands of the Hungarian Crown within six months.[50]

Zinzendorf, who already headed the Hofrechenkammer and the Robotabolizionshofkommission, tried to beg off the honour of this new post, but Joseph insisted that there was an intimate connection among the three offices and insisted that Zinzendorf should preside over them. To aid the overworked Zinzendorf, Joseph added Eger, Eichler, a Court Secretary, and Zanetti, a Court Draftsman, to the Commission.[51] It was hoped that it could now energetically devote itself to the two main problems facing the Emperor's land-tax reform plan, namely that of surveying the land and that of assessing it.

The first problem, that of surveying the land, arose from the simple fact that the Habsburg Empire suffered from a dearth of trained surveyors. A report submitted to Joseph on 18 Ausugt 1784 indicated that with the present number of skilled surveyors "a survey of the mere outlines of whole districts" would take at least eleven years; and "a survey of all specific property of every landowner" at least forty-four.[52] Joseph, however, was not deterred by these realities. If there were not enough surveyors, why not use the peasants themselves to do some of the surveying under proper supervision? Any statistics so garnered, Joseph concluded, would at any rate be more reliable than the voluntary reports of landowners which presently formed the basis of the cadastre.[53] The emperor's proposal, as might be expected, met with universal scepticism. How one could expect peasants to aid in surveying when in many districts one

would be hard pressed to find a single individual able to read or write -- or, for that matter, even count past the number fifty -- seemed folly in the extreme to the experts as well as the Tax Commission.[54] Once possessed of the idea, however, Joseph would not let it go and ordered experimental surveys using peasants in six towns belonging to the estate of Guttenbrunn in Lower Austria and in the district of Möstl in Styria. When a subsequent professional survey demonstrated that the peasants had only been one fifty-seventh out in their calculations, Joseph ordered the survey instructions to the peasants to be translated into all the languages of his Empire so that all flat lands could henceforth be surveyed by them.[55]

The second problem, that of reassessing the land, was twofold. On the one hand there was the question of the basis for taxing the land, and on the other, whether it should be the gross or net income that should be the object of this tax. In regard to the former, Joseph had originally suggested that "the produce of the land should be assessed only on the combined assets of every district, not specifically for every single property."[56] Such a proposal, however, would make a community responsible for its members, and as such met powerful opposition. Led by Zinzendorf, and using as their basis the fact that land varied so much in topography and fertility, the opposition was able to dissuade Joseph at least on this point and accordingly accept the categorization of land.[57]

On the question of whether gross or net produce should be taxed, it was a different matter entirely. From the beginning

Joseph maintained that the gross income must be taxed. In his opinion "one deduction always led to another," and, at any rate, his main concern was to see a quick implementation of his reform unhampered by further difficulties. Zinzendorf maintained that taxing the gross income would be unjust to those who, for one reason or another had to bear high production costs. Unfortunately, he argued an isolated case. Zanetti, Kaschnitz and most of the members of the Tax Commission argued that once the peasant's cost of production was deducted from the gross income, his net income was marginal. Furthermore, if the question of the cost of labour were brought up the peasant operated on an outright deficit -- at least on paper, since he was his own labourer.[58] Once the question was seen in those terms there could be no further debate. The peasant was, after all, the chief taxpayer, and such a blow to the revenues of the state was inconceivable to the emperor.

By the end of the year the main problems had been settled, and Joseph became anxious to get the work under way. By a resolution of 23 January 1785 he commanded that all estates and districts be prepared to carry out the impending land assessment by acquiring the tools and men necessary for the job at an early date,[59] and, by means of an appended list made known precisely what these were and also issued specific technical instructions.[60]

This resolution was followed on 15 April by a decree which established the bureaucratic machinery of the Tax Commission. Each province received high commissions (Oberkommissionen) which contained a royal administrator as well as an officer who served the function

of chief engineer and bookkeeper.[61] These were responsible to no one but the Court Commission in Vienna. Each county in turn received sub-commissions (Unterkommissionen), and each of these employed a 'county commissar' (Kreiskommissär), a cameral economist (Kameralwirthschafts-beamten), an engineer, and a secretary. Within this sphere cadastral districts (Katastralgemeiden) were furthermore established which were later supposed to become the tax districts (Grundsteuergebietsein-heiten) of the realm. Finally there came the so-called 'dominical officers' (Dominikalämtern) who carried all the estimating and surveying work out on a local level.[62]

Finally on 20 April 1785 a patent which commanded the survey assessment of the land was released. In the preamble Joseph declared that the existing tax system had caused injustice and inequality not only among individuals but also among his various hereditary lands. Since it rested on principles that were uncertain and detrimental to industry

> His Majesty, as father and administrator of the lands entrusted to him by Providence, has therefore thought of the means of basing taxes on such a foundation by which, without increasing the present contributions which are still indispensable for covering the expenses of the state, each province, each district, and each individual owner will contribute equally..... according to the fertility of the land he possesse.[63]

It was therefore commanded that all arable land be surveyed and recorded and that its probable produce be estimated on the basis of past yields. Although the landowners themselves were to submit these estimates to the county commissions, the latter were ordered to make an "exact examination" of these estimates. To further insure as

accurate a cadastre as possible, Joseph attempted a policy of the carrot and the stick in trying to uncover lands that landowners had previously neglected to declare.

On the one hand Joseph declared that if in the process of submitting estimates, "lands suddenly appear that had until then remained undiscovered," the government would take no action against the guilty party. If, on the other hand, unreported lands were discovered after the survey, they would be declared as belonging to no one and either given to him who registered it or auctioned off. Any other form of dishonesty was to be severly punished if reported; and, in order to encourage such reports, the names of the informers would be withheld. "The happy effect, which must be the consequence of a just tax base," the patent further declared, "is too important for His Majesty to permit any useless delay or tardiness," and all participants in the survey were therefore urged to work quickly and finish their task by the end of that year. In conclusion Joseph expressed the hope "that everyone will devote himself to this beneficial enactment, whose sole concern is the general welfare, with patriotic, sympathetic zeal."[64]

Appended to this patent was a long list of instructions for all those who were to take part in the survey. The first part of this appendix commanded all the surveying and assessing to be carried out before a district judge (Ortsrichter) and two jurymen (Geschworene). These in turn were to hire six 'committee men' (Ausschussmänner), three of which were to carry out the actual labour, and the remaining three were to be held in reserve to replace anyone suspected of favour-

ing certain landowners. These three Ausschussmänner, the two jurymen, the district judge and the specific landowner involved were to be present during all the operations, and their duty was to register and survey the land on the one hand and to arrive at an index of productivity of each property on the other. The ultimate responsibility for the conducting of this business, as well as that of securing all the proper forms, printed tables and other supplies lay with the local lord.[65]

The second part of the appendix gave precise instructions on how the survey itself was to be conducted. Any uneven or forested property was to be surveyed by professional men, while the rest was to be done by peasants. These peasants, however,were to restrict themselves to measuring lengths and widths, and leave all the calculations to the dominical officers. The surveying was to commence, after the boundaries of a district had been precisely determined, on the land of the noble in order that the surveying officials might learn from experience.[66]

The next part of the appendix concerned itself with the evaluation of the land. To this end all land was divided into nine categories: arable lands (Äcker), waste lands (Trisch- und Rottäcker), ponds (Teiche), meadows (Wiesen), gardens (Gärten), pastures (Hutweiden und Alpen), brushland (Gestrüppe), vineyards (Weingärten) and forests (Waldungen). Each of these categories were then to be evaluated on a different basis.[67]

Arable lands were evaluated in terms of the average annual

grain yield over the years 1774-1782. Waste lands, after careful investigation that they were indeed wastes, were evaluated according to their grain yields. Ponds were registered at the value of neighbouring acres, since they were considered to have the same potential if drained. Meadows as well as gardens, pastures, and brushland were evaluated in terms of the hay harvested from them; vineyards in terms of their wine yield; and forests in terms of firewood. The final part of the appendix consisted of the specific forms that were to be filled out by the various officials in the pursuit of their assigned tasks.[68]

There was much that the patent and its accompanying instructions left unsaid or unclear, and as a consequence of this they were followed by a flurry of decrees designed to clarify any confusion. Most of the difficulties can probably be ascribed to the fact that the lords tried to hamper the progress of the survey by legalities. In July, for example, the crown had to issue specific decrees that lands already surveyed for the purpose of robot abolition contracts, need not be surveyed again,[69] and that lakes were to be surveyed geometrically with a report of their fisheries yield.[70]

By August it was clear that Joseph's great plan would not be completed by the end of October as he had wished. On 15 August he had to decree that peasants involved in surveying were during this time to be freed of all Handrobot, and half of the Zugrobot, "since after all, they could have the other half performed by their servants.[71] Three days later, another decree was required to elicit more accurate yield estimates. It began by assuring all landowners that the new tax base

"in no way intends an increase of the present contribution, but merely an equitable distribution; and the business of the whole tax regulation aims on the whole only at the general good." In a very conciliatory tone Joseph ascribed low or erroneous yield estimates to the fact that the landowners themselves had heretofore perhaps never measured or recorded their harvests, and for this reason, he therefore extended the deadline for the submission of estimates to 1 April 1786.[72]

Decrees to combat abuses continued to be necessary not only through 1786, but through 1787 as well,[73] and it was more than two years before the business, originally planned to be completed in six months, was terminated.

Despite the emperor's interest in land tax reform, he did not neglect other agrarian legislation. Indeed, it is only through an understanding of these other legislative measures that the great land tax law of 1789 is to be properly understood. First and foremost peasant reform legislation centered quite naturally on Galicia, for this province was in this respect still to a large extent behind the Bohemian Crown Lands and the German Hereditary Provinces. The provisional Robotregulisierungspatent of 1781, for example, proved to be inadequate from the very start. Not long after it was published, the Chancellery submitted a report to the emperor on "the cruel seigneurial oppression of the subjects discovered in Galicia," wherein it recommended the drastic measure of not only driving these inhuman lords from their lands, "but in addition also sentence them to eight days hard labour."[74]

The most logical immediate reform that might have suggested itself was to extend the serfdom patent of 1 November, 1781 to Galicia, but Joseph insisted that there could be no question of transferring the Bohemian patent to Galicia. He did find it highly necessary to abolish serfdom insofar as it affected the peasant's subsistence, but in the serfdom patent for Galicia of 5 April 1782 he was willing to go no further.[75]

Joseph himself was, at this juncture, not entirely clear on what precisely ought to be done with the Galician problem, but he was soon moved to further action when he discovered that after the bad harvest of 1782 the peasants were reduced to eating leaves because their lords refused to feed them now that they were 'emancipated'.[76] In his memorandum to Kollowrat on 4 December 1782, it will be recalled, the emperor noted that if ever robot abolition were called for, it was so in Galicia, and he accordingly directed the Chancellery to work out the necessary reforms.[77]

By the spring of 1784 Joseph's wishes were now ready to become law. The first such measure was a patent of 8 March. It summarily abolished the salt purchases the peasant had hitherto been forced to make from his lord as well as the 'linen contribution' by which the peasant was required to make a certain contribution to his master for every piece of linen he possessed. In addition to these two minor measures, the patent also expressly freed all people over sixty, children in the employ of their parents, invalids and veterans from all robot obligations.[78] Two months later all adult peasants were given the lib-

erty to marry according to their choice, and the lords were informed not to make marriage difficult for their peasants and not to discriminate against married men when hiring labourers.[79] At the end of October it was forbidden to confiscate peasant lands as a mortgage security; and in any case where the peasant had forfeited his property rights because of debt, the land had to be returned and the debt calculated in terms of cash payments under the supervision of the Kreisamt.[80] Finally, in December, the Handrobot obligations of Inleute was limited to thirteen days a year.[81]

As in his other provinces so too in Galicia Joseph wanted to see the grant of some degree of personal liberty to the peasant go hand in hand with his possession of the land. The Galician Estates were quite aware of this dual nature of Joseph's peasant policy and protested vehemently against any attempt to 'rusticalize' too many of their peasants. In this battle, however, the Chancellery sympathized with the emperor. In a report of 31 March 1785 it brushed aside the objections of the Galician Estates "which daily experience absolutely contradicts," and maintained that wherever peasants owned their own lands the difference was discernable instantly. In conclusion the Chancellery ascribed neglectful farming to the fact that the peasants had no rights of ownership, and even hinted that perhaps the lords should be forced to allow their peasants to 'buy in'.[82] Much as Joseph was in favour of having peasants own the lands they worked, he was most unwilling to go quite that far:

> As I have already expressly told the Chancellery, the lords are not to be forced to cede ownership of lands

> to the subjects, rather, in this respect, everything is to be left solely to free agreements between lords and subjects.[83]

If 'buying in' was thus left to voluntary agreements between noble and peasant, both the emperor and the Estates realized that the fewer the obligations and the greater the liberties of the peasants, the more likely they would be able to 'buy in.' Thus the debate reverted from the question of land ownership back to the original question of peasant liberties.

In an attempt to forestall any more imperial blows to the agrarian status quo, the Governor of Galicia, Count Brigido, accordingly addressed a letter to Joseph on 27 December 1785 protesting against the provisional robot patent of 1781. It was His Majesty's desire, Bridigo wrote, to make the subject happy by improving his lot and therefore limiting the robot and abolishing other obligations. "Nothing was more natural," he continued, "than to hope that the subject would now use that time, which he had previously needed to discharge his duties to his lord, to benefit himself. This was Your Majesty's sovereign intention and desire. But this kindness was unfortunately misused..." Now, the Governor claimed, not only did the peasants not diligently work their own lands, they were even loath to discharge those duties to their lords yet remaining them, and the effects of this were detrimental to the whole Galician economy.[84]

To counter this letter the Chancellery submitted its own report three weeks later, in which it defended the provisional patent by saying that the main difference between the financial condition of

Galicia before the patent and now was that some of the money from the produce of the land now went to the poor peasant, whereas previously it had all gone to the landlords. Previously, the Chancellery continued, the peasant had contributed to the flourishing business of the lord with "the sweat of his brow" and, "in the end was rewarded at best with scorn, curses and beatings." If the results of reform were therefore not immediately evident, this was due to past abuses. At any rate, the utility of reform was not to be regarded solely in terms of the present but also of future generations. The purpose of the state, it concluded, was to protect everyone from need and misery.[85] At first Joseph did not think a new Robotregulisierungspatent was at all a pressing issue. He was taken up with the great land tax reform and thought that "the new tax base which is to be introduced should certainly carry some changes in the robot situation in its train."[86] But when complaints continued to reach his ears, his hand was forced and a new patent was issued on 16 June 1786.

This surprisingly long patent consisted of eighty-four articles which summed up and clarified all previous legislation concerning robot obligations as well as enacting much that was new. Joseph himself expressed the hope that the patent would at once contain all that had been previously decreed as well as protecting the peasant from all manner of oppression.[87] First the patent reiterated the essence of the provisional law of 1781 limiting the weekly robot maxima to three days. From the beginning of April to the end of September one day of robot service was taken to mean twelve hours,

while during the remaining less seasonal months it was limited to eight. Travelling time to and from the place where the service was to be performed was calculated as part of the robot time; it was forbidden to split up robot days; and wherever the robot, by whatever arrangement, consisted of less than three days a week, it was to remain. No peasant could be required to perform both Hand- and Zugrobot, and no Handrobot could be converted to Zugrobot without the permission of the peasant -- and even then could occur only once a week. "The justice and humanitarianism of the landlords," the patent continued, "should provide that no man or animal be overburdened beyond his strength in robot work." Hence no lord was allowed to assign his peasants gemessene Arbeit against their will; and if animals became sick or diseased, it was to be understood that this circumstance excused the peasant from Zugrobot. The robot obligations of Häusler and Inleute was limited to twelve days a year; and that of peasants over sixty, of married sons and daughters in the employ of their parents, of invalids and of discharged soldiers eliminated altogether as long as they owned no land. The patent further required the lord to announce the robot duties due him the previous Sunday, and forbade him to postpone winter and summer robot days to the spring or fall. Peasants who were liable for a yearly total of 52 robot days, could not be forced to perform more than one a week; and no robot whatsoever was permitted on Sundays and Holy days.

Having thus defined the precise robot obligations of the peasants, the patent next turned to related problems. It decreed,

for example, that the lord must provide the peasant with appropriate cash if the latter, by travelling in pursuit of his robot obligations, encountered customs tolls. It warned the lords that any service that the peasants did for them was to be regarded as robot and counted as such; but at the same time it also made clear to the peasants that the various community services they performed were not to be regarded as robot. The patent also contained provisions whereby the lord and peasant could come to a mutual agreement commuting robot to money payments; established that such services as draining swamps and working in the lord's bakery or distillery were to be paid; abolished the tithes on the peasants' fruit and tobacco produce; forbade the forced sale of seigneural products to the peasants; and stilupated that the cash rents of the peasants could be paid in any currency. As a general principle the patent stated that the laws of the empire were to take precedence over the inventories wherever the two clashed. It concluded with the warning:

> In order, therefore, to effectively restrict these similar illegal oppressions of the subject all the more, guilty landowners and lords are liable to compensate the unjustly oppressed without regard with double, and under the circumstances triple, restitution.[88]

Despite the seemingly comprehensive nature of this patent, little less than two months later additional clarification was required. The new law stated further that peasants liable for a three-day robot did not have to work at mowing and harvesting; peasants liable for two days, on the other hand, were at these times required

to help out by working an additional day; while peasants with a less than two-day robot had to pay fees or a tithe of their produce.[89]

That same month a stern warning went out to Galicia that anyone who did not pay his taxes, or appropriately deliver the taxes of his peasants, would have his lands confiscated.[90] In September of the next year peasants were warned not to leave their fields untilled if they had a case pending before the courts until a legal decision had been reached;[91] and ten months later lords were warned against accepting bribes in order to prevent someone's induction into the army.[92]

The emperor's response to the peasant problem in Galicia thus makes several points of his general policy clear. On the one hand he favoured the alteration of the status of the peasant in order to insure him a large degree of personal freedom and bring about a relative equality in this respect among the various provinces. On the other hand, he still thought the question of 'buying in' or of commuting robot to money payments should be left to mutual agreements between the lords and peasants -- though, of course, he encouraged such a process heartily. In one matter, however, Joseph showed no flexibility whatsoever, and that was when it came to the subject's duties to the state. Liberty imposed on its recipients responsibility. And if there was one standard Joseph wanted to create, it was that everyone should be a responsible duty-conscious citizen. Such a policy, however, could not be brought to fruition merely by bringing the more backward provinces up to the standard of the relatively more progressive ones. Rather it required a perpetual legislative adaptation to the needs of the day in

the light of this greater aim. This, for Joseph, meant a constant updating and adding to previous measures in all his hereditary lands.

In the field of justice, for example, the legal recourses of the peasant had constantly to be redefined and the lords constantly reminded of their responsibilities. Hence a decree of December 1784, whose avowed purpose it was to make the landlords "attentive" to the oppression of the peasants on their estates, charged them not only to arrest all their officials for any such instances of "subject oppression," but also to repay the victim in cash or in kind for any losses he may have incurred.[93] In a similar vein, lords who lost court cases with their peasants were required to pay not only the damages of the injured party, but also the expenses of the court.[94]

Although the jurisdiction of the various justice administrators had supposedly been firmly established in the first year of Joseph's reign, even here constant reminders, as for instance one in January 1786 which stated that a peasant's final recourse in seeking redress of his grievances did not lie with the Kreisamt but with the provincial appeal courts (Appelaziongericht),[95] had to be issued. The one abuse about which Joseph was particularly incensed, however, was one that contradicted the spirit of selfless public service that characterized the emperor. It was discovered that many lords had turned the sentence of a peasant to hard labour to their own advantage by having the criminal discharge his debt to society on the private lands -- and therefore to the private profit -- of the lord. In a decree of 21 November 1785, therefore, the emperor warned that crimi-

nals sentenced to hard labour were to perform their work on public and not private enterprises.[96] Despite this warning, however, the abuse continued -- especially in Galicia -- and the decree had to be repeated in that province on 1 December, 1788.[97]

But the root of the problem, as far as Joseph was concerned, lay with the administrators of justice. Judges who depended on fines and taxes for their livelihood and who were essentially creatures of the manorial lords were not exactly the kind predisposed to absolute impartiality. For this reason judges thus became salaried officers of the state,[98] and were required to pass state examinations in order to retain their posts.[99]

The abolition of 'serfdom' was also a process that extended beyond the decrees of 1781 and 1782. As the years passed it became clear to Joseph that the spirit of a law might well be frustrated even though it was followed to the letter. Again abuses showed what elaborations, additions and improvements were required. In the winter of 1784, the landowners were accordingly ordered to provide their peasants with necessary firewood[100] -- a law never before specified and therefore subject to the pleasure of the lord. In the question of the robot too, clarification was urgently needed. Although successive patents had pretty well defined the various services due the lords, they had neglected to deal with that part of the peasantry liable for both Zug- and Handrobot. Under these circumstances, of course, the lord determined what species of robot he had most need of at a particular time, and therefore assigned them arbitrarily on that basis. When plough-

ing was required, for example, the lord would naturally demand Zugrobot on every day due him, and when manual labour was most called for, he would reverse the process. In August on 1784 Joseph therefore decreed that peasants liable for both Zug- and Handrobot would henceforth have to perform them alternately with two Zug- and one Handrobot day one week and two Hand- and one Zugrobot day the next.[101]

At the same time laws restricting the lord's monopolies and other privileges continued the process of giving the serf that individual liberty which changed him from a subject to a citizen. In August 1784 nobles were forbidden to force their peasants to purchase any seigneurial produce;[102] in July 1789 peasants were given the liberty to have their grain milled wherever they pleased without delivering a certain percentage of it to the lord;[103] and in December 1789 the mortuarium, including that of Inleute, was completely abolished.[104]

In addition to this legislation, it was specifically decreed on 1 May 1785 that peasants henceforth had complete freedom of movement within the lands under the jurisdiction of the Austro-Bohemian Chancellery [105] and that all previous laws regarding departure fees were abolished.[106] Most symbolically summing up all the legislation concerning the individual freedom of the subjects, however, was a decree of 4 January 1787 which forbade anyone bowing to, kissing the hand of, or otherwise making obeisance to anyone else -- including the royal family itself -- "because this is not a fitting behaviour between individuals, and should be reserved only for God."[107]

Hand in hand with this process of liberalizing the status of

the peasant, as has already been seen, went the question of land. Much in the spirit of the physiocrats, with their stress on land and on the right of security and property, Joseph pursued a policy which attempted both the distribution of land on the one hand and the guarantee of secure tenure on the other. As has been seen, the Land Purchases Patent of 1781 attempted to 'rusticalize' as many peasants as possible, but unfortunately it contained very little to guarantee any kind of security of tenure. Once the great land tax scheme was well on its way, however, it became imperative to establish the future tax payer in as permanent a position as possible -- not only for his own sake, but also, and perhaps chiefly, for that of the state. For this reason Joseph began to redefine and clarify existing legislation, and then proceeded to consolidate the position of the landed peasant. In January 1785 the decree of December 1781 by which dominikal peasants could be evicted if rustikal customers were on hand was modified so that the peasant could no longer be evicted without his consent if he held rustikal grounds that were not 'bought in'.[108] Although a decree in April of that same year established that a rustikal peasant could be evicted if he borrowed over two-thirds of the value of his land, it made such an eviction a lengthy and tedious process. It required the assessment of the property in question by two officials from other estates, which were thought to be "more unpartisan, honest and understanding," to be set down in an 'inventory' (Inventarium), and for this, together with the lord's petition for eviction, to be sent to the Kreisamt. Though the Kreisamt, after thorough investigation, was

empowered to make a decision, both parties remained free to seek further recourses to the provincial authorities.[109]

If these decrees were rather negative in character, they nevertheless did insure rustikal peasants against unjust eviction and prepared the way for what was yet to come. In a briefly worded patent in March 1787, for example, the lord's right of pre-emption (Einstandrecht) of whatever character, was summarily abolished;[110] and less than a month later lords were forbidden to force rustikal peasants to disadvantageous land exchanges under pain of having to compensate them with a fee equalling twice the value of their land.[111] To symbolize the change that had taken place, Joseph's Reskript of 21 October 1788 should be noted. Henceforth, it was ordered, the term 'hereditary lessee' (Erbpächter) was to be abandoned and substituted by the term 'hereditary user' (Erbnutzer).[112]

A second rubric under which security of tenure ought to be considered is the problem of inheritance. The two main problems that arose here were the interference of the local lord in matters of inheritance; and the common practice of leaving the property to the youngest son, who, often not being of age, would lose control of his patrimony to his stepfather. It was, however, not until 1787 that Joseph found it necessary to issue specific legislation on inheritance. By a patent of 3 April of that year the crown directed that henceforth the main inheriter ought to be the eldest son, unless the lord of the manor could find "a well-founded reason" why this should not occur -- and even if such a reason were found, the decision would in future still

be up to the Kreisamt. A final provision made all lands registered in the cadastre as belonging to a taxable residence "indivisible and inseparable from the house."[113]

The patent seemed comprehensive enough, but within the next few months it was so plagued by literally dozens of questions about exceptions and 'special cases', that a little more than a year after its issue Joseph was forced to more explicitly reiterate the whole thing. The new decree tried to deal with every conceivable specific problem that could arise, but in general it was made clear that the maintainance of the landed peasant free from seigneurial interference was one of the chief policies of Joseph from which he would not deviate.[114]

The distribution of the land and the creation of as many landed peasants as possible was the second, and for Joseph, perhaps the more important issue. Although the emperor wanted to see peasant holdings remain in peasant hands, he preferred several small to one large such holding. On 20 May 1785, for example, he first established that large peasant holdings could be divided among several heirs as long as each parcel of land comprised an area of no less than 40 metzen.[115] Moreover, in order to encourage such division of larger peasant estates, the crown granted the usual immigration subsidy of 50 gulden for any new peasant household so established.[116]

On 8 June 1785 it was further ordered that any seigneurial pastures scheduled to be divided up for peasant distribution would have to be partitioned within one year.[117] Then, finally, on 18 May 1786 a

decree was issued outlining the procedure in dividing large peasant holdings, "in order to expand the beneficial arrangement of the introduced division of larger peasant farms more and more, without misleading it from its true purpose." Each holding, it was again repeated, had to have a minimum area of 40 metzen. Secondly, peasants were henceforth allowed to make transfers or exchanges of lands inconveniently located for ones in a more favourable geographic position "because the cultivation of these lands would improve." Next it was ordered that the division of land must not affect the number of horse teams -- in other words, the total number of horse teams in the divided lands must be at least equal to the number the lands possessed when united. The final point stated that these rules, especially concerning the minimum area of holding, need not apply too strictly to mountainous regions where peasants had industrial livelihoods.[118] To demonstrate how close this decree was to his heart, Joseph also released a resolution on the same day expressing what was for him a rare sentiment:

> His Majesty has commanded the announcement of his highest satisfaction with those estates and county officers under which.....the most divisions [of larger peasant farms] have occured, and commends their service zeal.[119]

The size into which the parcels of land were divided proved to be somewhat of a problem; and, as a consequence, Joseph issued such a stern warning that lands may not be divided into holdings of less than 40 metzen,[120] that even some mountainous regions in Bohemia took the regulation to heart and Joseph was obliged to reiterate that it did not apply to them.[121] So anxious was the emperor that this process of

division take place, that he issued specific regulations that freeholders could sell their land and divide it into parcels of no less than 40 metzen as they pleased,[122] and added instructions to the Kreisämter that in their inspection tours they were to explain carefully to the peasants that the division of larger peasant estates was beneficial since it made for easier work and better utilization of the land.[123]

But Joseph's overriding concern was still with taxes in general, and after 1783 with his land tax reform in particular. Though personally generous, he was excessively miserly when it came to financial obligations to the state. In March 1786, for example, he sternly warned that Jewish communities that did not meet their tax quotas would have their synagogues locked up;[124] and in a more desperate measure to cut on expenses two years later, the crown ceased all subsidies to destitute peasants and made the lords responsible for aid to the underprivileged.[125] With this almost obsessive concern for the income and expenditure of the state, therefore, it can easily be imagined with what distress the emperor regarded the progress of the survey and assessment that was the basis of his land tax reform.

As has already been seen, the plan to have the business finished by October 1785 failed miserably, and as the months passed Joseph became increasingly more restless. In February 1787 he issued the following Handbillet:

> His Majesty has graciously made it known that, in accordance with what lies close to his own heart and with what is actually necessary for the essential good, the tax regulation business should come to a conclusion in all the hereditary lands in the

> year 1787, so that the consequent imposition [of the new tax base] can quite assuredly follow in the year 1788. To this end all means which serve the all highest intention are to be applied, and all obstacles, be they persons or whatever, are to be eliminated.[126]

This stern imperial order soon served its purpose, and the end of 1787 saw the end of the long drawn-out process of drawing up a new cadastre.

The results of the cadastral operations were subject to numerous double checks, and every attempt was made to produce as accurate a land registry as possible. The final such check took place when, on 3 May 1788, Joseph ordered the Tax Commission to select men who had proven "most skilled.....and impartial" in the cadastral operations of the previous years, and to send one such party from Galicia to Bohemia, from Moravia to Inner Austria, from Bohemia to Lower Austria, from Lower Austria to Galicia, from Upper Austria to Goricia, and from Goricia to Upper Austria where they were to choose a county by lot and to investigate the results of the survey and assessment there.[127] When the results of this final check were presented to the emperor on 18 July 1788, he expressed his approval and noted that he found everything "completely in order."[128] Though the new cadastral figures were far from perfect, Joseph might nonetheless well be pleased. In Bohemia alone the Commission discovered 2.7 million joch[129] of previously unregistered land -- half again as much as the previous cadastre had indicated.[130] The tax on this new land alone would make the survey well worth while.

Having thus finally completed the prerequisites, it was time to turn to the land tax proper. As has been seen above, Joseph's

original inclination to tax the gross income from land was reinforced by the discovery that the peasants often operated at a deficit and hence would prove valueless if taxed on their net income.[131] Zinzendorf had desperately tried to keep the question alive by constantly reiterating his argument that there would be no equality of taxation if the gross product of the land were taxed without regard to its use, but in commanding the survey and assessment of land, Joseph, in order to save time, had not required any reports on the cost of seed corn or implements and therefore few accurate statistics on which to base production costs existed.[132] This, together with the emperor's own preference for taxing the gross income from land, closed the issue once and for all.

Though Joseph had accepted the categorization of land, it still remained an open question what percentages of the gross product of the various categories of land should be levied as state tax. After a lengthy discussion it was finally decided by the winter of 1788 that arable lands, wastelands, vineyards, lakes, rivers and some ponds ought to be taxed with 10 5/6% of their gross income; meadows, gardens and other ponds with 17 2/6%; and pastures, brushland and forests with 21 4/6%. In the single case of the forests, the income taxed was that which remained after the payment of the lumber jacks. In announcing this scale in his famous 'principles' (Grundsätze) of 28 February 1788, Joseph also provided that for Galicia the percentages would be one-third lower than those for his Bohemian or German lands[133] -- no doubt because of the extraordinary poverty of that province.

If Joseph's single tax on land had smacked of a physiocratic impôt unique and was criticized as such by the Staatsrath,[134] it too was soon abandoned. Already in February 1785 Joseph announced his intention of levying, in addition to the land tax, a tax on houses in urban centers.[135] Zinzendorf endorsed this plan in a note to the emperor on 9 June 1787, and called the house tax "a harmless supplement to the proportional tax on land." However, at the same time he wanted to go further than the emperor by extending the house tax to all structures not connected with agriculture.[136]

At first Joseph responded by maintaining his position that a house tax should only be levied in urban centers, but by February 1788, at the insistent behest of Eger, the emperor had changed his mind.[137] By patent of 1 September 1788 it was accordingly decreed that a house tax would be levied on all residences except those housing people who depended on agriculture for their livelihood, royal residences, schools, hospitals, asylums, army barracks, presbyteries, monasteries, factories, public buildings, and buildings not permanently occupied. The patent also exempted Häusler from paying any house taxes even if they owned no land at all but noted that farm houses ceased to be tax-free if the habitant also used his residence as a workshop. Similarly, factories which at once served as the residence of the owner also became subject to a house tax. In conclusion Joseph ordered that this patent was to

come into effect on the same day as the new land tax and that until then all existing legislation in the matter was to remain in effect.[138]

Soon after having issued this patent Joseph struck yet another blow to impôt unique. In a resolution on 11 January 1789 he ordered the equalization of all duties and excises on such things as tobacco and salt between the various provinces, but insisted that these could in no way be abolished.

Had Joseph been content with implementing the economic changes necessary for a new tax base, he might have succeeded. However, while this discussion on taxation was taking place, yet another plan was brewing in the emperor's head which called for the crown's interference in the relationship between lords and peasants. Joseph's first hint at this intention came in a note to the Vice-Chancellor, Tobias Phillip Freiherr von Gebler,[140] in March 1786:

> The state of the tax base in my lands, and the inequality of taxation from which the subjects consequently suffer, is such an important subject that it could not escape my attention. I have noted that the basis on which it rests is unsure, and that it has become detrimental to the industry of the peasant.[141]

For this reason, the emperor continued, the new law had to see to it that the peasant was "freed from all burdens."[142] The next year, it will be recalled, he again made reference to the problem when he tried to put off releasing a robot patent for Galicia because "the new tax base.....should certainly carry some changes in the robot situation in its train."[143]

Joseph's first explicit statement which showed that he in-

tended to interfere in serf-seigneur relations in the process of promulgating a new tax law, however, came in a circular to the provincial governments on 10 April 1787. In this circular he ordered that examples of different classes of peasants and of different obligations be taken at random from various estates. Further, Joseph continued, the provincial authorities were:

> to clearly indicate their [the peasants'] obligations in state taxes, in dues of cash, kind or robot to their lords, as well as tithes;.....to convert these to cash; to compare this with the area and produce of all their land as determined by the present survey and assessment; and to bring to my clear attention what is left over for the subject after the extant state tax, the obligations to their lords, and their tithes have been subtracted from the assessed produce of their land.[144]

Zinzendorf, who staunchly opposed any peasant emancipation or infringement on the rights of the Estates,[145] immediately saw that Joseph's order was leading to the crown's further interference with manorial affairs. In an attempt to nip this danger in the bud, he tried to frustrate even these requested reports on the state of peasant income. Eger, however, countered this threat by telling Joseph: "I can well imagine a state without agrarian obligations, but not one without state taxes."[146] Since these were also Joseph's sentiments, Zinzendorf could write off yet another round. Within a year 1,198 peasant holdings were examined and the results submitted to the emperor.[147]

On the basis of these reports Joseph made his final decision on the nature of his impending agrarian reform. On 1 February 1788 a meeting was called between the Tax Commission and the provincial authorities in which they were to consider a memorandum submitted to

them by Joseph himself on that same day. The first part of Joseph's note dealt with tax reform and the second with agrarian reform. Though the first part contained few surprises; the second came as a lightning blow to men like Zinzendorf. In it Joseph charged the provincial authorities to determine precisely what percentage of a peasant's gross income went in various obligations to his lord. Similarly they were asked to establish the obligations of communities as a whole, and consequently also the percentage of income that remained them for public use. Then came the crucial clause. In future, the emperor ordered, only cash would be demanded from the community and all peasant dues and services were to be subject to "an annual collective agreement."[148] Some days later Joseph made it clear that whatever debate might ensue, in essence he wanted to make sure that "the subjects in all the provinces pay equal amounts, in proportion to the produce of their land, to their lords."[149]

When Zinzendorf learned of this latest order of Joseph, he decided to speak his mind come what may. Although the Count had been an avid advocate of toleration, a staunch defender of the rights of the state vis-à-vis the church, and an unabashed supporter of the principle of equality before the law, he was adamantly opposed to the abolition of the robot and still supported the old aristocratic principle of differentiation between noble, peasant, ecceliastical and crown estates.[150] Accordingly, on 22 February, he launched a broadside against the whole tax reform. He doubted whether such a reform was either "necessary" or "advisable"; complained that the survey was in-

accurate, and the tax reform immature; and condemned the whole section on agrarian regulation as an infringement on the rights of the Estates,[151] defending his case as one of "truth, order and justice."[152] Though the Tax Commission mostly stood behind its chief, Joseph would not be swayed. By a Handbillet of 28 February he dismissed Zinzendorf from his post and replaced him with Eger. The very next morning the emperor left Vienna to go to Trieste in order to be with his army which was at the time engaged in a disastrous Turkish war.[153]

The Tax Commission as reconstituted under Eger was now again placed under the jurisdiction of the Chancellery, and it was to it, therefore, that Joseph submitted his 'principles' (Hauptgrundsätze) according to which it was to formulate a patent "without deviating from or working against them." The note began with a reiteration of the measures that were to be put into effect and then added that "the equalization of taxes cannot occur without the necessary change in agrarian matters." For this reason, the emperor continued, the two had to be considered together "and carried out at the same time." The essence of this agrarian legislation was that the obligations of the peasants should not exceed 50% of their gross income, and any peasant who paid less than 50% previously could not have his obligations increased. The second important point was the provision that robot and other obligations in kind were to be commuted to cash. In short, Joseph wanted to extend the old 'Raab system'[154] to all the private estates of his realm. And just as in the Raab system, he preferred this commutation of the robot to occur by mutual agreement between lord and

peasant. For this reason the lords were to be given a year to come to agreements with their peasants, but should this not occur, the crown would take a hand in the matter. Ambitious as usual, the emperor concluded by expressing the desire to have legislation to this effect come into effect by 1 November 1788.[155] But if a relatively progressive bureaucrat like Zinzendorf was so adamantly opposed to this reform, Joseph should have known that it would have a difficult passage with the others.

Perhaps the best indication of the attitude of many bureaucrats -- who also happened to be landowners -- was the statement by Lady Kaunitz in July of that year that Joseph's reign was "a punishment of God for the nation."[156] And, indeed, even the Chancellery would not serve the function of a rubber stamp this time. On 30 July 1788 Kollowrat wrote Joseph in a desperate attempt to dissuade him from putting through the threatened legislation because it would cut the nobles' incomes in half. For the emperor this request was gross impertinence and he angrily jotted into the margin of Kollowrat's note:

> All this is empty blabber and superfluous waste of time. These phrases are nothing but ghosts by which one wishes to frighten people and to awaken their dissatisfaction. My principles are unshakeable; everyone must pay according to his income -- and these principles are like the words of the prophet. I shall not stoop to investigate what is to the advantage of this or that person: to whoever wins I wish success with all my heart, just as I pity those who lose under the new regulation.[157]

Prolonged protest by the Staatsrath and yet another plea by the Chancellery on 16 September not to implement this reform met only with

renewed firmness from Joseph.[158]

Though the opponents of the reform managed to torpedo the emperor's plan to have the new tax law come into effect by 1 November 1788, the aristocratic filibuster lived on borrowed time. On 16 January 1789 the emperor ordered that a patent go to the printer immediately, but when Kollowrat submitted a draft patent a week later, Joseph rejected it and ordered further changes in the text.[159] Rather than comply with this command, the Chancellery again took the opportunity to point out that the proposed reform was not compatible with "the sacred right of property," and requested that, if the emperor still insisted on this "general revolution," the commutation of the robot be postponed at least until 1 November 1790.[160] Joseph, however, would brook no further delay. On 31 January he replied to the Chancellery that he did not fear the "revolution" because, as far as he was concerned, he could see in it only "beneficial consequences." He was therefore quite undisturbed about the effects of this patent, and would not allow himself to be confounded by "the noise and grumbling which, in a most patriotic tone, is always the consequence of even the best measures."[161]

Seeing that all protest was to no avail, the Vice-Chancellor, Count Johann Rudolf Chotek, decided to resign rather than put his signature to the patent. But for Joseph Chotek was dispensable. In a bitter note he wrote his ex-Vice-Chancellor:

> No matter what steps you may take, I shall not change my action, not even for your sake. I am used to the ingrate, that does not surprise me in the least. But that a man like you should take such a step, solely because

> of obstinacy and quixotism, does.....I must admit, surprise me greatly.[162]

Chotek was immediately replaced with Freiherr Franz Carl Kressel, the head of the Church Commission,[163] and the draft patent given over to Sonnenfels to edit and prepare for publication.[164] Joseph, with only Eger lending him enthusiastic support,[165] was determined to announce the new decree with particular care and festivity. The text was printed in the largest possible letters on much better than usual paper and surmounted by the imperial eagle in order to add a particularly unique and impressive touch to the new law.[166]

On 10 February 1789, six months before the fall of the Bastille, one of the most revolutionary and certainly one of the most controversial pieces of legislation in imperial Austrian history finally made its appearance. The new Tax and Agrarian Regulation, as it was called, consisted of two sections -- one dealing with the tax reform and the other with the obligations of the peasants.

In the introduction to part one, it was announced that the survey of the last years had now produced a more accurate cadastre which allowed a measure of greater equality to be introduced into the system of taxation. To this end the quota system for the different provinces was abolished and an equal tax based on the produce of the land was levied. With a note that the present funds paid to the state could not be decreased "because of the essential requirements and security of the state," it was decreed that the new land tax would be collected on a fixed average of 12 gulden and 13½ kreuzer per 100 gulden gross income from every land owner regardless of his state in life.

In consideration for the differentiation in produce, however, the tax on the different kinds of land was graded, ranging from ten gulden 37½ kreuzer per 100 gulden gross income for the lowest category to 21 gulden 15 kreuzer for the highest.[167] The lord's income from his peasants and from his industries on the manor, on the other hand, remained tax-free; and all the additional dues and fees of the peasants, beside the state tax, remained in effect -- although in this last respect some sort of equality between provinces was instituted. Anyone who felt that he was the victim of a miscalculation could ask for rectification within four weeks, but thereafter no changes would be made in the cadastre and the new tax base would then go into effect starting 1 November 1789.[168]

The introduction of the second part of the patent stated that, in order "to keep the landowners in a position whereby they can meet their obligations as citizens (Bürgerpflichten) without difficulty," they would have to be relieved of excessive seigneurial demands. Reluctant though the crown was to interfere with the property rights (Eigenthumsrecht) of the lords, the patent continued, the general good nevertheless required certain limits to be set on peasant obligations. As a general principle it was therefore established that a peasant should be allowed to keep 70% of his gross income in order to meet his communal obligations, his parish tithes, and also support himself and his family. From this it followed that after a peasant had met his obligations to the state, only 17 gulden 14 2/3 kreuzer per 100 gulden could be required of him to meet all his agrarian obligations

to his lord.[169]

Just as the state taxes, these agrarian obligations were also based on land and graded according to the type of land ranging from 15 gulden 25 kreuzer per 100 gulden gross income for the lowest category to 30 gulden 50 kreuzer for the highest. Wherever peasant obligations were already lower than this, it was ordered that they remain in effect. In what was perhaps the greatest blow for the lords it was further decreed that cash was henceforth to be the unit in discharging peasant obligations, but this was at least somewhat softened by a provision which allowed these cash payments to be commuted to kind or labour by a mutual agreement between the lord and peasant subject to renewal every three years. Wherever no mutual agreement was arrived at, the Kreisamt was empowered to calculate the value of robot services and abolish any that exceeded the 17 gulden 46 2/3 kreuzer limit.[170]

Essentially the new patent benefitted only the rustikal peasants. It was, for example, explicitly stated that agreements between lords and peasants on dominikal lands were not subject to investigation and that landless Häusler and Inleute remained subject to their previous obligations. Peasants who thought themselves victims of a miscalculation in respect to their siegneurial obligations were given two years within which to seek rectification. The patent concluded by stating that since all the problems of peasant landowners were herewith taken care of, the peasants were therefore to "acknowledge with thanks" the paternalistic concern of their emperor, not to abuse his all-highest command, and to fulfill loyally all their previous duties

while quietly waiting for the patent to come into effect.[171]

As usual, this patent too was besieged with questions and problems, and in May 1789 Joseph was required to issue specific answers and make at least one major concession. By a decree of the eleventh of that month those landowners who felt they could absolutely not do without robot services -- and put in those terms most lords would say that they could not -- could continue to demand these from their peasants until the last day of October 1790.[172] In Galicia, where the aristocratic uproar was even greater, Joseph went so far as to permit the extension of the robot for another two years.[173] These measures, however, in no way meant that the emperor had any intention of reneging on what may truly be called 'his' patent. Using the excuse that manorial tax-collectors were not sufficiently acquainted with the new system, he appointed state-paid district tax collectors (Bezirkssteuereinehmer) in order to insure the implementation and future fortification of the new tax system and commissioned Kaschnitz to draw up proper procedural instructions.[174] Finally, in October, Joseph reiterated his determination to see the patent of 10 February firmly established in his lands and accordingly instructed the peasants not to make themselves unworthy of "this earnest command of all-highest grace and truly paternalistic concern" by offering any resistance to it. This reminder, needless to say, concluded with a threat of punishment for all offenders.[175]

But if Joseph was determined to see his new tax law firmly established in all his lands, the lords were no less determined to do

everything in their power to frustrate or sabotage it. When the Estates of the various provinces met later that year, therefore, it was not at all surprising that an unprecedented rain of protest should fall over Vienna. First to protest were the Styrians. Though they conceded the emperor's right to levy taxes as he saw fit, they held up against this right the historic rights of the Duchy of Styria that no new taxes would be introduced without the consent of the Estates. Under these circumstances they considered Joseph's tax law "a flagrant constitutional violation."[176] Hot on the heels of the Styrians came the Galician Estates. After a long list of all the benefits the nobility conferred on the land, they concluded that "the noble, who is so useful to the province, deserves consideration" so that he will not be left destitute and forgotten.[177] In October the Estates of Lower Austria followed suit. They took special exception to the newly-appointed imperial tax collectors who in their opinion violated a right earned by "constant loyalty, obedience, and devotion to the exalted throne."[178]

The Bohemians, though they expressed joy at the fact that the provincial tax load had been decreased by half a million gulden, found the new tax system "premature" and its implementation "costly, complicated and irksome."[179] The Moravians maintained that the lords had now to pay 120% and the peasants 67 4/9% more than previously, and concluded that they were threatened by utter ruin.[180] The Goricians contented themselves with expressing the hope that they would not be obliged to carry any burdens that were beyond their capacity; and the Carinthians refused to be held responsible for any orderly collection of taxes

since, they claimed, the February patent robbed them of all influence with the tax payers.[181] Finally the Carniolian Estates protested, refusing to recognize the validity of any new cadastre because it cut the landowners' incomes in half, upset the balance within the province and shook the power of all laws.[182]

Nor was criticism lacking from individual aristocrats. Even before the patent of 10 February was published, Chotek protested that the peasant received his land from the lord and that robot obligations were merely to be considered a payment. Under such circumstances it was natural that he who received more land ought to have greater obligations, and hence it was unjust for the crown to regulate these. In a word, the patent was nothing else but one huge arbitrary attack on seigneurial rights! In conclusion Chotek warned that commuting the robot to money payments would have detrimental effects on agriculture, and hence he once again pleaded that the old agrarian constitution be maintained.[183]

Zinzendorf, who noted in his diary that the new patent was full of "contradictions,"[184] later wrote that "impatience, restlessness, hurried legislating, great, even beneficial intentions, but no desire to think seriously about the means of achieving them" were the great faults of Joseph in implementing this reform.[185] And Count Ossolinski, a Galician magnate, complained most vociferously in July 1789 about the violation of the lords' property rights. The whole problem, the indignant magnate complained, was not one of peasant oppression but rather it concerned the interests of agriculture. Limiting the robot to three

days, he maintained, had already had detrimental consequences, but the February patent would prove even more injurious.[186]

The reaction of the peasants themselves was, on the whole, quite favourable, and they rejoiced in the fact that on the last day of October the robot, their most burdensome obligation, would be "borne to the grave."[187] In some places, however, where the robot duties had been relatively light, even peasants protested against setting arbitrary prices for the value of a robot day and pleaded with the emperor to abolish the new tax regulation.[188]

Most of the peasant protests that did occur came in reaction to Joseph's concession that the robot would continue one additional year -- and in Galicia, even two. Reports from some counties in Bohemia noted that the peasants there had become "stubborn" in discharging their remaining obligations;[189] and in other places it was noted that dominikal peasants too had become restless.[190] Häusler and Inleute, of course, were visibly dissatisfied because the patent had done nothing at all for them. In the minds of the lords this peasant dissatisfaction took on fantastic dimensions, and soon complaints about "peasant riots" and "unlawful assemblies" were heard.[191]

Even Joseph was disturbed that the peasants were not duly thankful for his measures on their behalf. He was quite prepared to enact beneficial legislation as long as it was understood that this was a gift from the emperor, not the result of their protests. In December he incorporated these principles into a decree which commanded strict observance of the May amendments to the February patent and

which made "recalcitrant peasants" liable to punishment.[192] Whatever else Joseph might have been, in his mind he was emperor by the grace of God, and he would tolerate no dissention or disobedience.

But the last word on the problem had not been spoken. All was not well with the Habsburg monarchy: it was embroiled in a disastrous war; Hungary was on the brink of rebellion and the Netherlands already in revolt; and the emperor himself was critically ill. This dilemma, however, would not be left to Joseph II. In the early hours of 20 February 1790 "the father of deathless endeavours"[193] was dead, and it was his brother Leopold who was now called to take the burdens of the monarchy upon his shoulders. It was not long thereafter that the 'deathless endeavour' of the great land tax reform followed its father into the grave.

FOOTNOTES FOR CHAPTER II

[1] HJG, I, 45: Decree of 24 March 1781.

[2] Grünberg, II, 423; Wright, p.69.

[3] Grünberg, II, 423.

[4] Ibid.

[5] HJG, I, 46: Decree of 4 September 1781.

[6] Grünberg, II, 423-424.

[7] Wright, pp. 69-70.

[8] Grünberg, II, 424.

[9] Ibid.

[10] HJG, I, 46-47: Decree of 10 February 1783.

[11] Grünberg, II, 424; Wright, p. 79.

[12] Grünberg, II, 424-425.

[13] For a history of robot abolition outside of Bohemia, Moravia and Silesia, see: Friedrich Lütge, "Die Robot-Abolition unter Kaiser Joseph II," Wege und Forschungen der Agrargeschichte: Festschrift zum 65. Geburtstag von Günther Franz, ed. by Willi A. Boelcke and Heinz Haushofer (Frankfurt a.M., 1967), pp. 153-170.

[14] Wright, pp. 87-88.

[15] Ibid., p. 88.

[16] Pettenegg, p. 203.

[17] Grünberg, II, 427.

[18] Wright, pp. 90-91.

[19] Grünberg, II, 427-428.

[20] Wright, p. 103.

[21] Ibid., pp. 106-107.

[22] Ibid., p. 107.

[23] Ibid., pp. 107-110.

[24] Ibid., pp. 110-111.

[25] Lütge, p.162.

[26] Mell, pp. 209-213.

[27] Mises, pp. 70-71. One of Joseph's fondest plans was to populate the uninhabited areas of Hungary and Galicia with new settlers. To accomplish this he published advertisements in newspapers in Baden and Württemberg inviting settlers from that area. Among the enducements offered them were free transportation to their place of destination; a free house, animals and equipment upon their arrival; complete freedom of conscience; exemption from military service for the oldest son; and a ten-year exemption from state taxes. Günther Franz, ed., Quellen zur Geschichte des Deutschen Bauernstandes in der Neuzeit (Vienna and Munich, 1963), pp. 290-292.

[28] Wright, pp. 112-129; Lütge, pp. 162-170; Mises, pp. 70-71; Mell, pp. 210-213.

[29] Justi, Staatswissenschaft, I, 321-399; Joseph von Sonnenfels, Gründsatze der Polizey, Handlung und Finanzwissenschaft (3 vols.; Vienna, 1770-1776), III, 263-375.

[30] Rozdolski, pp. 30-31.

[31] Ibid., p. 13.

[32] Ibid., pp. 13-15.

[33] Ibid., p.15.

[34] Ibid., pp. 15-16.

[35] Ibid., pp. 16-17.

[36] Hock & Bidermann, p. 598.

[37] Ibid., pp. 599-600.

[38] Carl Anton Freiherr von Martini (1726-1800) entered the Staatsrath in 1782. Since 1754 he held the chair of natural law, Roman law and legal history at the University of Vienna, and had been tutor to several Habsburg archdukes during 1755-1773 -- including Joseph and Leopold. Under Leopold Martini became president of a new court commission on legal affairs. Constant von Wurzbach, Biographisches Lexikon des Kaiserthums Oesterreich (60 vols.; Vienna, 1856-1891), XVII, 33-36.

[39] Simon Thaddäus von Reischach (1728-1803), a member of the old Swabian nobility, was a friend of Joseph during their youth and the emperor's chamberlain on his various journeys. Reischach became vice-chancellor of the Austro-Bohemian Chancellery in 1776, and a member of the Staatsrath in 1782. Ibid., XXV, 243.

[40] Carl Friedrich Anton Count von Hatzfeld (1718-1793) was originally intended for the priesthood, but joined the imperial service instead in 1750. He became president of the Viennese Hofkammer

in 1765, and Austro-Bohemian Chancellor in 1771. At the same time he was also appointed president of the Court Financial Council, and by virtue of this office was also a member of the Staatsrath -- a post he held until his death. Ibid., VIII, 51-52.

41
Hock & Bidermann, pp. 600-603.

42
Ibid., p. 603.

43
Wright, p. 132.

44
A summary with large extracts from this document is to be found in Rozdolski, pp. 17-20; the last sentence in Wright, p. 132fn.

45
Friedrich Walter, ed., Die österreichische Zentralverwaltung, Part II, vol. 4: Die Zeit Josephs II. und Leopold II. (1780-1792). Aktenstücke (Vienna, 1950), p. 124, No. 94.

46
This Hirtenbrief has been published either in whole or in part in nearly every history that in one way or another deals with any aspect of the domestic policy of Joseph II. In 1784 it was published in numerous editions, many shortened and edited versions, under various titles from Joseph des Zweyten Erinnerung an seine Staatsbeamten am Schlusse des 1783ten Jahres (Vienna, 1784), to Eine Probe der weisen Regierung Josephs des Zweyten in einem Handbillet an seine Chefs und sämmtliche geistliche und weltliche Obrigkeiten der österreichischen Erblander vor seiner Abreise nach Italien (Vienna, 1784). It is reprinted in a somewhat shortened form in HJG, V, 251-271; in an excerpted form in Otto Frass, ed., Quellenbuch zur österreichischen Geschichte (3 vols.; Vienna, 1962), III, 19-20, No. 9; and in a complete copy from the original in Walter, ed., pp. 123-132, No.94.

47
Rozdolski, p. 20.

48
Grünberg, II, 434.

49
Rozdolski, pp. 20- 21.

50
Pettenegg, p. 203.

51 Rozdolski, p. 26.

52 Ibid., p. 32.

53 Ibid., pp. 32-33.

54 Ibid., p. 34.

55 Ibid., pp. 35-37.

56 Ibid., p. 43.

57 Ibid., pp. 42-43.

58 Ibid., pp. 44-50.

59 HJG, VIII, 54-56: Resolution of 23 January 1785.

60 Ibid., pp. 56-60.

61 These were: for Lower Austria, Auersperg and Holzmeister; for Upper Austria, Dornfeld and Lehrbach; for 'Inner' Austria, Gaisrugg and Hammer; for Bohemia, Hermann and Erben; for Moravia and Silesia, Tauber and Kaschnitz; for Galicia, Kranzberg and Ainser; and for Goricia and Gradiska, Morelli.

62 HJG, VIII, 61-68 and X, 158: Decree of 15 April 1785.

63 Ibid., VIII, 61: Patent of 20 April 1785.

64 Ibid., pp. 61-68. The patent was extended to the Hungarian crown lands on 10 February 1786, ibid., X, 169-173.

65 Ibid., VIII, 69-78: Belehrung für die Ortsobrigkeiten, Jurisdizenten oder ihre Stellverstreter und Beamten, wie auch für die

Gemeiden, wie sich dieselben bei dem vorstehenden Geschäfte der Aufschreibung, Ausmessung und Fatirung der Gründe zu benehmen haben (20 April, 1785).

66 Ibid., pp. 79-86.

67 Ibid., pp. 86-102.

68 Ibid., pp. 103-142.

69 Ibid., pp. 143-144: Decree of 8 July 1785.

70 Ibid., p. 144: Decree of 14 July 1785.

71 Ibid., p. 163: Decree of 15 August 1785.

72 Ibid., pp. 163-165: Patent of 18 August 1785.

73 For 1786 see, ibid., X, 157-177; for 1787, ibid., XIII, 206-220.

74 Mitrofanov, II, 593.

75 Mises, pp. 44-45.

76 Mitrofanov, II, 628-629.

77 See above, p. 64.

78 HJG, VI, 7-9: Patent of 8 March 1784.

79 Ibid., pp. 23-26: Verordnung of 6 May 1784.

80 Ibid., p. 15: Decree of 28 October 1784.

81 Ibid., X, 41: Hofentschliessung of 6 December, 1784.

82 Mises, pp. 61-62.

83 Ibid., p. 62fn.

84 Mitrofanov, II, 637-638fn.

85 Ibid., pp. 638-639fn.

86 Mises, p. 49.

87 Ibid., p. 50.

88 HJG, X, 54-86: Patent of 16 June, 1786.

89 Ibid., pp. 86-87: Hofentschliessung of 9 August, 1786.

90 Ibid., pp. 119-136: Exekuzions- und Sequestrazionsordung of 2 August, 1786.

91 Ibid., XIII, 50: Verordnung of 22 September, 1787.

92 Ibid., XV, 143: Verordnung of 17 July, 1788.

93 Ibid., VI, 9-10: Decree of 18 December, 1784.

94 Ibid., VIII, 12: Decree of 1 December, 1785.

95 Ibid., X, 18: Hofentschliessung of 30 January, 1786.

96 Ibid., pp. 12-13: Decree of 21 November, 1785.

97
Ibid., XVII, 31: Decree of 1 December, 1788.

98
Mitrofanov, II, 550.

99
HJG, XIII, 43-44: Decree of 22 January, 1787.

100
Ibid., VI, 17: Patent of 12 January, 1784.

101
Ibid., VIII, 16-17: Decree of 12 August, 1784.

102
Ibid., VI, 12; XIII, 42-43: Decree of 17 August, 1784.

103
Ibid., XVII, 30-31: Decree of 30 July, 1789.

104
Ibid., p. 44: Decree of 14 December, 1789.

105
In other words, all the lands presently under discussion.

106
HJG, IX, 399-404: Decree of 1 May, 1785.

107
Ibid., XIII, 6: Decree of 4 January, 1787.

108
Ibid., VIII, 22-23: Decree of 5 January, 1785.

109
Ibid., pp. 7-8: Decree of 18 April, 1785.

110
Ibid., XIII, 144: Patent of 8 March, 1787.

111
Ibid., p. 104: Decree of 2 April, 1787.

112
Ibid., XV, 37: *Reskript* of 21 October, 1788.

113
Ibid., XIII, 98-101: Patent of 3 April, 1787.

114
Ibid., XV, 126-136: Decree of 19 May, 1788.

115
19.2 acres.

116
HJG, VIII, 17: *Verordnung* of 20 May, 1785.

117
Ibid., X, 51: *Verordnung* of 8 June, 1785.

118
Ibid., pp. 52-54: Decree of 18 May, 1786.

119
Ibid., p. 51: Resolution of 18 May, 1786.

120
Ibid., XIII, 104-105: Decree of 16 June, 1787.

121
Ibid., pp. 105-107: *Verordnung* of 27 August, 1787.

122
Ibid., pp. 107-108: Decree of 16 November, 1787.

123
Ibid., p. 107: Decree of 29 November, 1787.

124
Ibid., X, 119: *Verordnung* of 9 March, 1786.

125
Ibid., XV, 24: Decree of 5 February, 1788.

126
Ibid., XIII, 207-208: *Handbillet* of 22 February, 1787.

127
Rozdolski, pp. 62-64.

128
Ibid., p. 64.

129
3,800,000 acres.

130 Robert Joseph Kerner, Bohemia in the Eighteenth Century: A Study in Political, Economic, and Social History with special Reference to the Reign of Leopold II, 1790-1792 (New York, 1932), p. 242.

131 See above p. 73.

132 Rozdolski, p. 45.

133 Ibid., pp. 65-70.

134 See above p. 67.

135 Rozdolski, p. 84.

136 Ibid., pp. 84-85.

137 Ibid., p. 85. For Eger's thoughts on the house tax see, ibid., pp. 85-87.

138 HJG, XV, 256-276: Patent of 1 September, 1788.

139 Rozdolski, pp. 88-89.

140 Tobias Philip Freiherr von Gebler (1726-1786) studied law at Göttingen and Halle, and then entered Dutch service as legation secretary at the Prussian Court in 1748. In 1753 he entered Austrian service, rising quickly in the ranks and becoming a member of the Austro-Bohemian Chancellery in 1762. He was made a Knight of the Order of St. Stephen and a member of the Staatsrath in 1768. Wurzbach, V, 118-120.

141 Grossing, pp. 78-79.

142 Ibid.

143 See above p. 82.

144 Rozdolski, p. 94.

145 Adam Wolf,"Graf Karl von Zinzendorf, 1739-1813," Geschichtliche Bilder aus Oesterreich (2 vols.; Vienna, 1878-1880), II, 277.

146 Rozdolski, p. 96.

147 Ibid., pp. 97-98.

148 Ibid., pp. 98-99.

149 Ibid., p. 99.

150 Wolf, Geschichtliche Bilder, II, 277-279.

151 Rozdolski, pp. 100-101.

152 Wolf, Geschichtliche Bilder, II, 279.

153 Pettenegg, p. 208.

154 Though Raab was perhaps the most famous proponent of peasant reform and the commutation of labour services to cash payments in the Habsburg empire, proposals of this kind were widespread at this time, as for example with the reformers Reinhard and Schlosser in Baden, and Joseph need hence not necessarily be considered a disciple of Raab. For the agrarian ideas of Reinhard and Schlosser see: Helen P. Liebel, Enlightened Bureaucracy versus Enlightened Despotism in Baden, 1750-1792, Transactions of the American Philosophical Society, Vol. LV, Part 5 (Philadelphia, 1965), pp. 58, 66, 98.

155 Rozdolski, pp. 103-107.

156 Benedikt, p. 355.

157
Mitrofanov, II, 470.

158
Grünberg, II, 439-440.

159
Ibid., p. 440.

160
Mitrofanov, II, 639-640.

161
Grünberg, II, 441.

162
Adam Wolf, "Graf Rudolf Chotek," Kaiserliche Akademie der Wissenschften, Sitzunsberichte, X (1853), 443.

163
Wolf, Geschichtliche Bilder, II, 280.

164
Mitrofanov, II, 639.

165
For a detailed account of Eger's arguments see: Rozdolski, pp. 107-110.

166
Mitrofanov, II, 619.

167
Because these percentages were 1/3 lower in Galicia, a separate patent was released for that province on the same day. For a table of comparative statistics, see Appendix II.

168
HJG, XVII, 153-161: Patent of 10 February, 1789.

169
Ibid., pp. 161-163.

170
Ibid., pp. 163-165.

171
Ibid.,pp. 166-170. The Galician patent, which was issued on the same day with minor variations which took into account the lower tax percentages, is to be found ibid., pp. 183-199. Comparative

statistics between the two patents are to be found in Appendix II.

172 Ibid., pp. 171-181: Decree of 11 May, 1789. Rozdolski's contention that this decree applied only to Bohemia and Galicia is unfounded.

173 Ibid., pp. 200-212: Decree of 26 May, 1789.

174 Ibid., pp. 256-259: Decree of 15 September, 1789. Soon thereafter Kaschnitz completed drafting the new tax collecting procedures, and instructions were accordingly sent to all the parties concerned. These are to be found in the following: 1) to the communal representative: ibid., pp. 274-279, "Unterricht wie sich ieder Gemeindvorsteher dem einzelnen Grundbesitzer bei Einhebung der landesfürstlichen Steuer, und bei Verrechnung der zu seinen Händen abgeführten Grundsteuergelder zu benehmen habe"; 2) to the district tax collector: ibid., pp. 280-283, "Unterricht wie die Bezirkssteuereinnehmer mit iedem Gemeindvorsteher, oder Richter über die zu seinen Händen abgefführten Grundsteuergelder Rechnung zu legen und fürzugeben habe"; 3) to the county tax collector: ibid., pp. 284-298, "Unterricht wie die Kreissteuereinnehmer, und die Kontrolore bei der Einnahme, und Verrechnung der ihnen anvertrauten Grundsteuergelder sich zu benehmen haben"; and, 4) to the provincial governments: ibid., pp. 299-307, "Unterricht nach welchem sich die Landschaftshauptklasse in Verrechnung der Grundsteuergelder künftig zu benehmen hat."

175 Ibid., pp. 260-263: Patent of 19 October, 1789.

176 Mitrofanov, II, 471.

177 Mises, pp. 80-81.

178 Mitrofanov, II, 475-476.

179 Ibid., p. 474.

180 Ibid., p. 475.

181 Ibid., p. 473.

182
Ibid., p. 474.

183
Rozdolski, pp. 138-140.

184
Benedikt, p. 358.

185
Pettenegg, pp. 203-204.

186
Rozdolski, pp. 140-142.

187
Ibid., p. 129, quotes a Czech street song which praises the mortal illness of the robot. The last line of this ditty reads: "On the last day of October we will bear it(the robot) to the grave" (poslednjho Oktobru ponesau gi do hrobu).

188
Mitrofanov, II, 477.

189
Rozdolski, p. 131

190
Grünberg, II, 450-451.

191
Rozdolski, p. 133.

192
HJG, XVIII, 317: Decree of 23 December, 1789.

193
The appelation comes from Ludwig van Beethoven's Cantata on the Death of Emperor Joseph II. The text of the first chorus is as follows: "Dead! Through the wretched night rocks hurl cries back in echo! And waves of the ocean howl it out from the deepest regions. Joseph, the mighty is dead! Joseph, the father of deathless endeavours, is dead!"

CHAPTER III

LEOPOLD II AND THE AGRARIAN PROBLEM, 1790-1792

When Joseph realized that his illness was fatal, he immediately wrote a letter to his brother Leopold, then Grand Duke of Tuscany, imploring him to make for Vienna with all possible haste "for the sake of the lands that will belong to you and for the patrimony of our ancestors."[1] Two days later the dying emperor repeated his urgent plea,[2] but with little result. Leopold was not cast in the same mold as his brother: his autocracy was tempered with a genuine belief in constitutionalism; his attitudes in foreign policy were pacific and defensive; and from the very start he was a severe critic of Joseph's centralizing tendencies.[3] Though it has been argued that Leopold was not a man of quick impulsive actions and hence reluctant to leave Tuscany without settling affairs there first, and that in any case he was convinced that Joseph would recover,[4] this alone cannot explain why he did not rush to Vienna the instant the ominous news of his brother's illness reached him. If Leopold was to extricate the monarchy from the many difficulties in which Joseph had left it, the fewer connections with Josephinian policy he could claim, the better off he would be. Accordingly, he arrived in Vienna on 12 March, 1790, three weeks after his brother's death.

Though there were many points of disagreement between the two Habsburg brothers, in the question of robot abolition and connected agrarian problems Leopold generally sympathized with his older brother.[5] When he came to Vienna, he did so with a mind to end the Turkish war, to pacify the Belgian revolt, and to affect a rapprochement with

Prussia, but there is no evidence that he came to reverse Joseph's agrarian policy. It soon became apparent, however, that the Josephinian agrarian legacy was as perplexing as any Joseph had left his hapless brother. On the very day of Joseph's death the Styrian Estates had sent a petition to Vienna which described the consequences of the February patent in the blackest terms:

> Our provincial constitution has collapsed; our possessions are gone; our properties [i.e., land] are devalued; the mortgages on them are ruined; the bond between lord and subject is severed and mistrust has taken its place; despondency afflicts every heart, and a little while longer -- and our dear fatherland will be lost!
>
> This is the deplorable state ... in which the new tax regulation has left us.[6]

And when the official period of mourning for the dead emperor was over, the Estates renewed their attack on the new law with redoubled vigour. On 27 February the Estates of Moravia and Silesia addressed a petition to Leopold in which they expressed fears similar to the Styrians and noted that the new tax law would lead to such anarchy that even Joseph would have repealed it had he lived. They blamed the Tax Commission for "misleading" the peasants, and its bureaucrats for "blinding" them; and they accordingly asked the new emperor to compel the peasants to obedience.[7] The Bohemian landlords complained that the peasant, who had been used to work since childhood, would now waste his time and give himself over to drunkenness and rebellion.[8] Finally, the Galician nobles maintained that they faced greater ruin than all others--relatively speaking, even their peasants.[9]

For Leopold these domestic difficulties reduced themselves

primarily to a fight for time. With some Hungarian nobles already scheming with the Prussians and with the Austrian Netherlands in revolt, it is easy to see how this 'aristocratic resurgence' must have augured dimly in the mind of the new emperor; and above all he wanted no more Hungaries and Netherlands on his hands while he dealt with the Prussian menace and the Turkish war. It is in this light that Leopold's actions must be seen -- not only as far as the Convention of Reichenbach in July 1790, but to the Peace of Sistova in August 1791. Demonstrative of this primacy of foreign affairs in the mind of Leopold is the fact that almost his first act on his arrival in Vienna was to visit the bedridden foreign minister of the monarchy, Price Kaunitz, for a three-hour conference on Austria's international position.[10] Despite this overriding concern with external affairs, however, Leopold also kept a cool head at home with what has been both praised and damned as his "Italian finesse."[11]

Leopold's first attempt to cope with the Josephinian agrarian legacy came when, at the behest of Kollowrat, he dismissed Kaschnitz and Holzmeister,[12] two vociferous proponents of Joseph's peasant reforms, and issued a decree abolishing the Tax Regulation Commission, giving jurisdiction of the entire business over to the Chancellery. The decree abolished the high commissioners of the Commission, giving their jobs to the provincial authorities, and warned that the office of district tax collector would shortly also be abolished[13] -- as it duly was two weeks later.[14] But, while it became increasingly clear that Leopold would soon do away with Joseph's February patent to forestall

any aristocratic uprising, he also earnestly reminded nobles that they had agreed to come to an amicable agreement with their peasants if the latter preferred to commute robot services to money payments,[15] and, in order to encourage them, made such contracts, as well as those commuting the tithe, tax free.[16]

In order to gain time and maintain mastery over any given situation, Leopold realized that he must keep the initiative in his hands and never allow it to appear that he acted in response to any aristocratic blackmailing maneouvre. As soon as he saw this, both from the shower of protests against the new tax law that were reaching Vienna as well as from the proposals of Kollowrat, he therefore issued a circular to all the provinces on 28 March, 1790 in which he made known his intention of revoking the February patent until "more peaceful times," and restoring the status quo of October 1789. To this end, the circular concluded, the comments of the provincial authorities on this matter would be welcome.[17] But before the provinces had much time to consider this latest royal circular, Leopold plunged ahead on his own. He recalled Count Chotek, who had made himself the hero of the nobility by resigning in the face of Joseph's tax reform, and on 6 April the new emperor issued the first of his decrees revoking the February patent -- this one for Lower Austria.[18] The revocations for Galacia,[19] Moravia,[20] Silesia,[21] and Upper Austria[22] followed on 19 April; that of Styria on 5 May;[23] for Bohemia on 9 May;[24] for Carniola on 20 May;[25] and finally, for Carinthia on 10 June.[26]

These patents which were generally similar in content, did

not content themselves with a brief revocation of the patent of 10 February, 1789, but rather were preceeded by lengthy arguments which tried to justify the move. Leopold began by declaring himself moved "by the unanimous complaints of the landlords, and by the discontent of a great part of the peasants themselves" to make a thorough investigation of the new tax system. This investigation, he continued, showed that the new system did not work to the general good and that even his late majesty would have abolished it if he had lived to see the consequences that had now come to view.

First and foremost the main intention of improving the lot of the peasants was not fulfilled. In the survey inexactness had prevailed resulting in unjust assessments; no attention was given to cultivation costs, and none to the fact that the amount of both labour and produce was dictated by the quality of the land; and the consideration that natural by-products as well as industrial products made for larger personal profits was completely neglected.

Leopold also maintained that the commutation of tithes in kind to cash was actually disadvantageous to the peasant because his cash obligations were the same in lean years as in years of plenty whereas payments of tithes in kind could even be suspended during a thoroughly bad harvest. Further, holding the community responsible for all the tax obligations of its members placed an unjust burden on the industrious peasant; and in many cases, instead of lightening the load of the peasant, his state taxes often amounted to more than before. The implementation of the new tax system also demended the creation of

a whole new bureaucracy to handle tax collection, and to pay new officers alone meant a one-twelfth increase in taxation. "Such striking drawbacks for the peasant," it was therefore concluded, "could in no way be regarded with indifference."

On the other hand, the patent continued, His Majesty also considered his duty to protect the property of the lords and to listen to their complaints "about the arbitrary degredation of hereditary rights." The reinstitution of the old agrarian system was therefore regarded by His Majesty as both a duty and an action beneficial for the peasants. For this reason, therefore, all legislation dealing with the new land tax reform and other agrarian legislation -- especially the patents of 1 September 1788 and 10 February 1789 -- were herewith abolished and the old tax system prevailing before 1789 provisionally reinstated "until peaceful times will allow the injustices of whatever kind may be found in the old tax base" to be dealt with in conjunction with the Estates of the various provinces. Wherever manorial conditions allowed and peasants found it easier to have their robot duties commuted to money payments, mutual commutation agreements between lord and peasant would meet with "particular pleasure" from His Majesty. The principle at which the patent aimed, it was explained, was that "the true welfare of the peasant as well as that of the landlord be tied to the general good and to the mutual benefit of both." Much like Joseph's February patent, these patents too concluded with a request for due thanks from both the Estates and the peasants and with the hope of their zealous co-operation, but Leopold himself realized

these were empty words. In the process of consolidating and securing the Habsburg state, the peasants were sacrificial lambs.[27]

That Leopold intended these revocation patents to be mere temporary measures was apparent from the very start. Though he had created a commission which consisted of such men as Hatzfeld, Kollowrat and Zinzendorf to advise him in drafting the revocation patents, the new emperor let it be known by means of a note to Kollowrat on 29 April that he anticipated a "patriotic behaviour" from the Estates and landlords now that the February patent had been revoked. This, Leopold declared, meant lightening the burdens of the peasants as much as possible and satisfying their major demands by generously commuting the robot to cash payments.[28] But the emperor knew that the expression of the hope that the lot of the peasant be improved would not, by itself, move too many lords. On 1 May 1790 Leopold accordingly ordered the provincial diets to convene in order to discuss questions of taxation, serfdom, and for that matter all other grievances -- or, in a word, all the ills of the monarchy.[29] In this circular to the provincial governors he especially demanded that the lords make proposals on how the robot might be commuted to cash payments "as much as possible" and how such commutation could most propitiously be instituted. This change, above all, the circular concluded, was desired by His Majesty for the satisfaction of the peasants of the monarchy.[30]

The peasants, however, knew nothing of this. They had come close to having their most hated obligation, the robot, abolished, and now they were informed that it would continue after all. Under these

circumstances their response might have been predicted. In many places they now refused to render robot services, and on some estates the peasants went beyond passive resistance to vociferous complaints and even deeds of violence.[31] The peasants, of course, were in no position to argue a legal case for themselves, but at least one anonymous pamphleteer articulated their grievances in a blistering attack on the Estates entitled Complaints of the Subjects of the Austrian Monarchy regarding the Abolition of the New Tax System and the Reintroduction of the Old. He began by recounting how the peasants "pressed by extortions, weakened by labour services, and embittered by mistreatment" had in the past sometimes sought to better their lot by rebellion only to be "brought to submission by soldiers, their own sons and brothers, by parricide and fratricide." He acknowledged the reforms of Maria Theresia and then turned to Joseph who:

> had hardly come to the throne when he held out his fatherly arms to the weak and oppressed and was not afraid to regard the rights of humanity as higher than the privileges, prerogatives, and exemptions of a select few, yes higher even than false glory and wealth.

He accused the Estates of attempting to "deceive and betray" this best of monarchs by maintaining, "without blushing with shame," that the peasants did not languish in serfdom when they were actually being subjected "in the most oppressive manner." Denying that serfdom was the result of an ancient contract between lords and peasants, he credited Joseph with seeing through this exploitation and abolishing it. The abolition of the Josephinian system now again handed the peasants over "to the arbitrary exploitation of the lord"; but this return to

"barbarism" could not last forever, as recent events in France demonstrated. Warning that the patience of the peasantry did not last forever, the pamphleteer concluded with an appeal to the lords to set aside their selfish interests and work for the true benefit of the monarchy.[32]

The nobles did not need any such warning in order to be alarmed. Upper Austrian police reports indicated that the peasants of that region were most anxious to get their hands on newspapers in order to learn of the events in France and their causes.[33] And Count Auersperg, the leader of the Styrian party, warned, alluding to the French Revolution, that "the present circumstances are such that the peasant has the boldness to be insolent."[34]

No doubt events in France also weighed heavily on the minds of the Bohemian Estates who on 14 July 1790 pleaded with Leopold to use military force against peasant rebels. They urged him to induct leaders of this peasant resistance into the army and give the lords a veto on their eventual discharge, and to issue an explicit decree stating that the performance of robot services was the duty of the peasant and that the commutation of such services into cash payments was dependant on the pleasure of the lord.[35] In the meantime, while these petitions and reports were being dispatched to the emperor, many counties sought to cope with this aristocratic phobia by picking out select peasants who had refused to render robot and packing them off to the army.[36]

In the midst of these exaggerated fears, Leopold kept his head. Like both Joseph and Maria Theresia, of course, he would tolerate no

violence and insisted that any grievances the peasants might have be rectified by due process of law. To this end he issued a decree addressed to the peasants of Inner Austria reminding them "that this behaviour which is contrary to all laws, is most certainly not the way to gain any ameliorations." He urged them to lodge any grievances they might have with the appropriate authorities as designated by the patent of 1 September 1781; announced his intention of making a thorough investigation of their grievances; and concluded that it was his all-highest will that "peace and order" be established.[37] A few weeks later he addressed similar sentiments to the Bohemian peasants,[38] but at the same time warned the lords not to resort to any extra-legal measures to punish offenders -- especially "not to give such peasants over to the army."[39] In some places Leopold was even more explicit, ordering the lords to treat their peasants "with all possible mildness " and to refrain from pettiness and "all violent measures" as well as warning them that if they did not do so, he would consider the lords "the originators or instigators of any unrest that might arise," and would allow them to feel the full fury of the evil they had called forth.[40]

In his constant attempt to play down and diffuse any peasant-lord confrontation, Leopold himself set an example by personal magnaminity. On a visit to Graz near the end of August he freed peasants who had been imprisoned and arranged for a discharge from the army of others who had been convicted of instigating rural unrest.[41] But when he discovered that the Estates were extremely reluctant to keep

their promise on coming to voluntary agreements with their peasants in commutation contracts, he resolved to aid "these poor people, who call to me for help, as much as is just, possible and reasonable." He therefore immediately ordered an investigation of all peasant complaints and privately made plans to use both peasant and bourgeois as political entities to combat the pretentions of the nobles. Even more than Joseph, Leopold was convinced that the peasants were the most important part of the population and constituted the real wealth of the state.[42]

The nobility, on the other hand, now that Leopold had convened the provincial diets and breathed new life into the Estates, were convinced that their complete victory was imminent. Having witnessed an easy revocation of the February patent, they now agitated for an abolition of Josephinian inheritance legislation, a re-establishment of the lord's right of pre-emption, and a complete revision of the Strafpatent of 1 September 1781.[43] In defence of their position the Estates claimed thay they only had "the general good in mind, and are not striving for a reinstitution of serfdom."[44] But Leopold would not be moved. He did not allow the question of pre-emption to get past the discussion stage [45] and remained firm that the Strafpatent of Joseph should be maintained.[46]

On the question of inheritance the lords seem, at first glance, to have enjoyed greater success. In the spring of 1791 Joseph's great inheritance patent of 3 April 1787 as well as subsequent amendments were abolished. But at the same time new legislation came into effect which demonstrated that the lords had won a

greater victory in form than in content. Though Leopold's patent re-established the status quo of May 1786 in this regard, it then went on to explain that the freely inheritable property of the peasants would remain the same as that of all other classes; that in future no peasant was to own two estates -- thus eliminating the danger of losing control of a patrimony to a landed stepfather. Peasant lands were to be inherited indivisibly unless a large holding was involved which the owner decided to divide into 40 metzen parcels. Where no legal heir was designated, the eldest son would continue to be heir unless the lord found a good reason why he should not be. If such an objection was found the lord would not regain his old prerogative of choosing an heir, but rather the estate would devolve on the second son or upon a grandson. Finally, only if a peasant left no heirs whatsoever would the right of choosing one fall upon the lord -- although this time no provision was made that this choice was subject to Kreisamt ratification.[47]

Leopold, indeed, did want to breathe new life into the provincial Estates, but his policy was of an entirely different character than what the nobles had expected. Now that the Prussian danger had been eliminated, the revolt in the Netherlands put down, the war with Turkey concluded, and Leopold was securely in control of his position, it became clear that it was the emperor's intention to modernize the Estates by the addition of strong bourgeois and peasant representative delegations. That Leopold was quite serious about this project is evident from the fact that it was discussed at some length by the Chancellery who reported back to the emperor that giving the "third estate"

greater political influence on a more local level was of great importance for the central government since the peasants could serve as ideal counter-weights to any aristocratic pressure. In addition to this consideration, the Chancellery also pointed out that since the peasants bore the main burdens of society, they could, in all justice, "not be denied the right of representation."[48] Leopold, who at one time had considered instituting the American Constitution of 1776 into Tuscany, in the last few months of his life now took a particularly intensive interest in these new constitutional schemes. But before any decisions could be made the new emperor was dead, and under his son all traces of such constitutionalism disappeared.[49]

The most important issue in agrarian reform, however, continued to be the question of robot abolition and its commutation to cash payments. Here too Leopold was not content to let sleeping dogs lie. Already in September 1790 he had sternly reiterated the old Theresian and Josephinian principle that wherever an abolitions contract between lord and peasant was concluded whose term exceeded three years, this contract was subject to Kreisamt ratification.[50] By the summer of 1791, having consolidated the international position of the Habsburg monarchy, he felt strong enough to take a firmer tone. On 29 July 1791 Leopold advised the Estates to address themselves to a plan for the abolition of robot services modified to fit local conditions.[51] Later that year he ordered a thorough investigation of agrarian problems in Galicia and empowered an imperial commissar to make rectifications of any unjust inventories.[52] By the winter of 1792, having met with solid

opposition from the Estates against any uniform plan of robot abolition, Leopold began to grow impatient. He demanded outright whether or not the Estates had a plan ready for submission, and receiving a negative reply, ordered them to prepare one within four weeks or the government would do so itself.[53]

It now appeared that the main agrarian problem of the last thirty years, the robot, would again be handled energetically; and this time, without any attendant tax reform, perhaps even solved. Only a few days after Leopold had made his demand for a plan of robot abolition from the Estates, however, he suddenly and unexpectedly died. Leopold's son and successor, Francis, under pressure from Kollowrat, Hatzfeld, Zinzendorf and others who warned that compulsary commutation would lead to fearful consequences, and living daily in the shadow of the French Revolution, decided to abandon his father's schemes. He consented to the seigneurial demand for "free bargaining" and enshrined this principle in a patent on 1 September 1798 which outlined the future process for robot abolition.[54]

After a generation of attempts to abolish robot services, the peasant continued to render them to his lord; and the "highly dangerous principles" of abolition, as Zinzendorf called them,[55] were buried again for yet another fifty years.

FOOTNOTES FOR CHAPTER III

[1] Alfred Ritter von Arneth, ed., Joseph II. und Leopold von Toscana: Ihr Briefwechsel von 1781 bis 1790 (2 vols.; Vienna, 1872), II, 316-317.

[2] Ibid., p. 318.

[3] Wandruszka, II, 102ff, passim. See also: Kerner, pp. 55-58.

[4] Wandruszka, II, 223-231.

[5] Wolf, Geschichtliche Bilder, II, 249.

[6] Mitrofanov, II, 472.

[7] Grünberg, II, 455-456.

[8] Mitrofanov, II, 643.

[9] Ibid., pp. 645-646 fn.

[10] Wandruszka, II, 252.

[11] Kerner, p. 57.

[12] Wandruszka, II, 254.

[13] SGL, I, 59-60: Decree of 22 March, 1790.

[14] Ibid., pp. 81-84: Verordnung of 6 April, 1790.

[15] Ibid., pp. 384-385: Patent of 6 April, 1790.

16 *Ibid.*, p. 400; II, 17: Decrees of 29 July and 20 August, 1790.

17 Grünberg, II, 456.

18 SGL, I, 84-96: Patent of 6 April, 1790.

19 *Ibid.*, pp. 128-140: Patent of 19 April, 1790.

20 *Ibid.*, pp. 141-153: Patent of 19 April, 1790.

21 *Ibid.*, pp. 153-165: Patent of 19 April, 1790.

22 *Ibid.*, pp. 165-178: Patent of 19 April, 1790.

23 *Ibid.*, pp. 189-203: Patent of 5 May, 1790.

24 *Ibid.*, pp. 209-222: Patent of 9 May, 1790.

25 *Ibid.*, pp. 247-260: Patent of 20 May, 1790.

26 *Ibid.*, pp. 219-304: Patent of 10 June, 1790.

27 Wandruszka, II, 258.

28 *Ibid.*, p. 255.

29 Kerner, pp. 92, 259.

30 Mitrofanov, II, 569fn.

31 Kerner, pp. 286-287; Mitrofanov, II, 650.

32 Klagen der Unterthanen der Oesterreichischen Monarchie wegen Aufhebung des Neuen Steuersystems und Wiedereinführung des Alten, summarized and quoted in part in Link, pp. 152-155.

33 Mitrofanov, II, 657-658.

34 Ibid., pp. 650-651.

35 Grünberg, II, 464.

36 Kerner, p. 286.

37 SGL, I, 362-365: Resolution of 9 July, 1790.

38 Ibid., pp. 388-391: Patent of 21 July, 1790.

39 Ibid.,II, 14-15: Decree of 16 August, 1790.

40 Ibid., I, 366-368: Verordnung of 10 July, 1790.

41 Ibid., II, 35-37: Verordnung of 11 September, 1790.

42 Wandruszka, II, 256-257.

43 Kerner, p. 292; Link, p. 159; Grünberg, II, 468.

44 Mitrofanov, II, 631.

45 Link, p. 159.

46 Kerner, p. 295.

47 SGL, III, 365-369: Patent of 26 May, 1791.

48
Rozdolski, pp. 168-169.

49
Wandruszka, II, 372-373.

50
SGL, II, 27-28; III, 39: Decree of 2 September, 1790.

51
Kerner, p. 300.

52
Mises, p. 87.

53
Kerner, p. 301.

54
Grünberg, II, 477-479.

55
Link, p. 167.

CONCLUSION

"When I was planting the Augarten," Joseph II once wrote, illustrating his own character, "I did not choose young saplings for the good of posterity, but strong trees which would serve at once for the advantage and pleasure of the present generation."[1] History in general has echoed his opinion: Joseph, the headstrong reformer; the great beacon of enlightenment in Habsburg history was the author of not piecemeal but sweeping and substantial reforms. In the words of many of his biographers he was the "revolutionary emperor" ![2] No myth has more successfully taken hold in Austrian historiography, and nowhere more strongly so than in regard to the agrarian problem where he is held up to be the great 'emancipator' of the peasantry -- the prince who would impose agrarian revolution from the top.

Before 1848, as E.M. Link has pointed out, historians were reluctant to give Maria Theresia any credit whatsoever for attempting to improve the lot of the monarchy's peasants, and Link herself, though she attempts to show that Maria Theresia indeed did pursue a conscious reform programme, is only too quick to point out the limitations of the empress' agrarian legislation. Leopold II, on the other hand, merits hardly a mention; and such remarks as, "that the reign of Joseph II should be followed by that of Francis II and Metternich was a tragedy for the social progress of Austria" choose to ignore not only the importance of Leopold, but also ignore evidence which alters the portrait of Joseph, the great and unique reformer.[3] Even Wandruszka, the most important biographer of Leopold II, has done little to dispel

the notions of Wright and others so that they can still speak of "the reaction that followed Joseph's death"[4] with a clear conscience.

Joseph II was indeed a reform-minded monarch, but his policies were only part of a great reform movement that swept the Habsburg monarchy in the years between the end of the Seven Years' War in 1763 and the beginning of the French Revolutionary Wars in 1792. No less great reformers than Joseph were his mother, Maria Theresia, and his brother Leopold II. The motivations of the three monarchs were different, the problems they addressed diverse, their philosophies incongruent, but the general character of their reforms the same.

Maria Theresia arrived at an awareness of the agrarian problem essentially through her concern for the economic and military security of her lands. The shock of two bloody wars and the loss of Silesia taught her that international agreements were not enough for the maintainance of an empire -- this was the fault of her father. External security, she realized, depended on internal strength and this in turn depended on a rationalization of the state administration and a consolidation of its economic possibilities. Since the peasant was the main tax-payer of the state, the economic motivation for turning her attention to the agrarian problem seems clear enough -- and, indeed, few historians, if any, have attempted to discount this.

Maria Theresia, however, also had other than economic motivations. To the populationist theory that the peasant must be kept in such a state that he can readily meet his tax obligations it must be added that, though the empress was no ardent admirer of theories of

natural right, she had, as Arneth's monumental biography has proven beyond doubt, a genuine religious concern that the glaring injustices in her realm be eradicated. A series of shocking reports about the state of serf-seigneur relationships in the 1760's, the Bohemian famine of 1770-1771, and finally the peasant uprising of 1775 led the empress to intervene in manorial affairs. The minor legislative measures of the 1760's gave way, in the next decade, to a whole series of Robot-regulisierungspatente -- the responsibility for which lay almost entirely with Maria Theresia and not Joseph -- and when even these proved inadequate the empress was by no means loath to take more radical measures. Her own realization that the peasants had been driven to extremes by the ruthless exploitation of the landlords combined with the urgings of men such as Blanc and Raab, whose convictions about natural rights and social reform complemented the empress' own fiscal and religious concerns,[5] led her first to consider abolishing 'serfdom' and later even to an outright abolition of the robot. Contrary to the conventional picture of Joseph the great agrarian reformer frustrated by the conservatism of his mother, it appears that rather the reverse was the case.

Joseph's chief motive for agrarian reform and his general overriding concern was economic. As Mitrofanov has pointed out, nearly every reform of Joseph had a fiscal character, and at every opportunity he liked to point out that his primary concern was the good of the "Ärarium", as the treasury was then called in chancellery jargon.[6] His great memoranda to his mother in 1765 and 1774 bear striking witness

to this concern; and his statement of intentions to Choiseul at the beginning of his reign in 1780 clearly indicates the priorities the emperor had set for himself. His own frugal existence was a model for his state, and when it came to the expenses of the state he was miserly in the extreme. Essentially there were two reasons for this. On the one hand balancing the budget had always been somewhat of an extraordinary feat for the Austrian Habsburgs, and throughout their long history they operated on an almost eternal deficit. The fiscal year 1776-1777 was the first one within recent memory that found Austrian finances in the black, and even then it was shortlived. The War of the Bavarian Succession cost 30 million gulden, and the bright hopes of Austrian finances were thus again dashed.[7]

Joseph was resolved to remedy the situation, and in fact made remarkable progress. By 1781 the deficit was down to 744,000 gulden and the next year to 348,000 gulden. By 1783 the books showed a surplus of 3,417,000 gulden and the year thereafter it was up to 4,555,000 gulden. Though the records for 1785 showed a slight deficit, those of 1786 indicated yet another year of surpluses -- this time 3,097,000 gulden.[8] Thus it seemed that Joseph's miserliness was at least paying proper dividends. But then came the Turkish war and the Habsburg monarchy returned to its old familiar economic state, so that by the time of the Revolutionary Wars it was virtually kept alive by British subsidies. The other reason for Joseph's penny-pinching was, of course, to cover the expenses of an ambitious foreign policy: but as the Turkish war showed only too clearly, an ambitious foreign

policy cost more than national frugality could cover.

How much of his agrarian reform Joseph owed to philosophic persuasion is more difficult to determine. Like his mother, and perhaps even more so, he accepted the populationist theories. He quite genuinely believed that the true strength of the state lay with the majority of its inhabitants, and his remark to Chotek, when the latter suggested that the peasants be compelled to fulfill their obligations by force, that physical force lay with the peasants, and if these were so minded "then we are all finished,"[9] is quite characteristic. Unlike his mother Joseph had a genuine belief in the idea of natural rights, and there is no reason to suspect him of hypocrisy when he openly scorned historic rights and privileges. To claim ipso facto, as Mitrofanov does, that Joseph was a democrat from head to toe,[10] however, would be to carry the point too far. Although he liked to parade his egalitarianism and often couched his words in democratic-sounding phrases, he was quite as jealous of his absolute authority as Peter the Great ever was. He would brook no opposition and often became ill-tempered not so much because his opponents were illiberal but because they dared oppose his all-highest will. Finally, the thesis that the physiocrats provided the theoretic foundation for Joseph's agrarian reforms has, by the admission of its chief proponent, Rozdolski, depended largely on how one cared to define the physiocratic system.[11] To a large extent, however, debate over this question is superfluous. In essence the later mercantalists, the cameralists, the agriculturalists and the physiocrats all agreed that

agrarian reform was the most burning issue of the day,[12] and any theoretical or philosophical justifications Joseph may have found for his policies need by no means have been the particular property of any one school of thought.[13] Many of his reforms were just as certainly in the spirit of the physiocrats as others were not, and Joseph was in any case hardly a dogmatist but a pragmatist to the core.

If there is one thing that becomes clear upon an examination of Josephinian agrarian legislation, it is that the emperor by no means pursued a fixed and determined policy throughout his mature life. Indeed, Joseph's policy was rather slow in maturing, and during the period of his co-regency he was much less inclined to agrarian reform than his mother or than historians have tended to give him credit for. He cautioned against impulsive actions, counselled compromise, and withall was the very personification of moderation. In 1777 he still doggedly defended the robot, and for a decade thereafter was a staunch advocate of "voluntary" agreements between lords and peasants, both in 'buying in' and in commuting robot services to money payments. But though Joseph was hardly the great 'emancipator' of the peasants, he was to a large extent their protector, and when this protection could at the same time also be profitable to the state, Joseph most certainly did not hesitate to extend it.

It is, however, imperative that this policy be understood as one with two faces. On the one hand came the liberalization of the status of the peasant which was highlighted by such seemingly spectacular measures as the abolition of personal serfdom and the improvement

of the peasant's legal position. On the other hand came the attempt to establish the landed peasant wherever possible -- or, in contemporary words, to 'rusticalize' as many of the monarchy's subjects as would and could. This latter goal Joseph attempted to reach by encouraging the peasants to 'buy in' wherever they could, by insuring their personal security of tenure as much as possible, and by issuing inheritance laws that would virtually guarantee that the land would remain with the peasant's descendants. The other way Joseph attempted to increase the number of landed peasants was by encouraging the division of larger peasant estates into smaller holdings. That the parsimonious Joseph was willing to grant crown subsidies for every new peasant household so established must be regarded as the ultimate act of approval and encouragement on his part, especially when it is remembered that he was not equally willing to grant such subsidies to destitute peasants who were perhaps in greater need of financial aid. One need look no further for a motivation for establishing the landed peasant than to remember that rustikal peasants were the chief tax-payers of the state, and it seems clear that at least part of the motivation for a new tax system based on land arose from the fact that under these circumstances a large rustikal population would greatly increase the national income.

Equally significant in Joseph's policies in general was his attempt to create conditions of relative equality between provinces -- a move that can be seen essentially as an extension of his centralizing tendencies. This was as true in agrarian matters as elsewhere.

The Serfdom Patent of 1 November 1781 stated quite explicitly that it was the emperor's intention to bring the status of the Bohemian peasant up to that of the German one, and later serfdom patents issued in the German-Austrian lands only grew out of a realization on the part of Joseph that his German model was perhaps not so model after all. A lack of proper information was thus responsible for the legislative paradox that serfdom was abolished in the Bohemian lands in order to raise them to the level of the German lands, and subsequently that it was abolished in the German lands in order to bring these up to the new Bohemian level. This centralizing penchant for equalization can also be considered a part of the motivation that later led Joseph to his land tax reform of 1789: there too it was explicitly stated that the quota system of the various provinces would be abolished and that relative equality in taxation on a provincial level would be instituted.

In the question of the robot Joseph soon abandoned his moment of youthful radicalism when in 1763 he recommended that peasants be freed of their labour obligations. In fact the 'revolutionary emperor' in the following years became one of the staunchest defenders of the robot, leading, as has been seen, the opposition to his mother's attempt to abolish it in 1777. Contrary to the conventional picture of the ruthless reformer, it seems clear that Joseph was for quite a long time reluctant to interfere with this aspect of serf-seigneur relationships. His conversion to the commutation of robot obligations to money payments in principle came in 1781 -- and then it was

only financial arguments that moved him. The problems with Hoyer in Bohemia, however, forced Joseph to give considerable attention to the abolition programme on crown-controlled estates, and his immersion in these problems with time made him see the virtues of Raab's old system. Despite this, however, it was well into 1787 before Joseph would abandon his idea that robot abolition on private estates must come about through "voluntary" agreements between lords and peasants. It was only when it became apparent to Joseph -- as it had been to Maria Theresia all along -- that to wait for "voluntary" agreements which were at all favourable to the peasants would be to wait forever as long as the status quo favoured the lords, that he decided to incorporate this feature into his great patent of February 1789.

The other reason for interfering in manorial affairs, of course, was that taxing the lords on the same relative level as the peasants while at the same time not putting any checks on what the lord could demand from his serfs would in effect be placing the entire burden on the peasants -- so adept were the lords in shifting their responsibilities and burdens on to others. As Mitrofanov had pointed out, the land tax reform of 1789 was not all such a radical reform as far as the peasants were concerned. The duties to the lords were regulated but not abolished; the obligations were changed into cash but not decreased within the 17 gulden 14 2/3 kreuzer framework; the peasants were converted to tenants not to self-sufficient independent land-owners; the Gemeiden were not abolished; and, in contrast to physiocratic ideas, the lands remained under the dominium directum

of the nobles.[14] Joseph's main concern as far as the peasants were concerned -- and this his own patent frankly confessed -- was to make sure above all that they would be able to meet their tax obligations to the state.

The real radical step on the part of Joseph was the attempt to tax the landlords on a fixed percentage of their income from the land. The lords could face such a measure with relative equaminity as long as they could foist any new obligations off on their serfs, but as soon as the state put restrictions on seigneurial demands it was clear that the money would have to come out of their own pockets. Under these circumstances it is not difficult to see why the lords would fight the reform tooth and nail. Equally clear is Joseph's attitude. With the Turkish war plunging the monarchy deeper and deeper into the morass of debt, funds had to be raised somewhere. Grünberg's criticism that in refraining from taxing industries, Joseph placed a disproportionate burden on landowners[15] is valid enough, but Joseph was so anxious to encourage industrial development that he deliberately refrained from such a measure and levied a house tax instead. Though the national budget had to be balanced, Joseph was loath to do so at the expense of things he felt would pay greater indirect dividends to the state in the future.

Leopold II was not blind to the economic needs of the Habsburg state, but his most conscious concern was with the international position and the internal fomentation of the monarchy. He was anxious to make sure that the German-Austrian, Bohemian and Galician

nobles did not go the way of their Hungarian confreres, or, worse yet, the way of the Belgians. He sought to placate them, but at the same time also to retain the initiative in his hands. For this reason Joseph's land tax and robot reform was speedily abandoned, but it was necessity not conviction that prompted him to do this. Certainly Leopold did not agree with his brother's centralizing tendencies, and for this reason he may have repealed Joseph's land tax with an easy conscience; but the attendant peasant reform was also close to Leopold's heart. He was not blind to the fact that the peasants were the victims of the piece and tried to make the blow as soft as possible by personal magnaminity and by forbidding the lords to resort to drastic measures in dealing with their peasants. At the same time he was resolved to remedy the situation as soon as the internal dissent had been quelled and the international position of the monarchy secured. In the very revocation patents themselves he let it be known that in more peaceful times he would deal with the agrarian problem in conjunction with the Estates. What the Estates did not know, of course, was that 'more peaceful times' was not some indefinite date in the distant future, but rather only a few months away. The second thing they did not know -- and this would probably have shocked them even more -- was that though Leopold intended to introduce agrarian reform in conjunction with the Estates, he also wanted to add powerful peasant and bourgeois representative delegations to these Estates.

Like Joseph, and perhaps even more so, Leopold was affected

by ideas of natural right and was also at one with his brother in subscribing to the populationist theory. In opposition to Joseph's absolutism, however, Leopold was constitutionally inclined. This led him to a greater respect for local conditions, but at the same time also to favour more democratic institutions. Despite this, however, Leopold was not above asserting his absolute authority in order to cope with aristocratic intransigence. This was especially the case when it came to the ticklish question of robot abolition. Once the February patent was revoked the lords thought they could breathe easy, only to find that Leopold hounded them to produce an abolition plan -- modified to fit local conditions, but a compulsory commutation nonetheless. At this point the nobles responded with their time-honoured stalling tactics, but Leopold, having secured his crown from both internal and external dangers, proved even more impatient than his brother. In the agrarian question he had revoked very little previous legislation outside of his brother's tax and robot reform, and now he even proposed to force a reintroduction of part of that! The sudden death of Leopold, however, changed the whole complexion of the agrarian problem. Francis, initially full of beneficient intentions, soon succumbed to the alarms of his advisers, and the royal concern that had been given to the agrarian problem for thirty years was abandoned.

The peasant's most hated obligation, the robot, was the main feature of the agrarian problem, and for a whole generation this problem was addressed by three different Habsburg monarchs. Maria

Theresia sought to abolish robot by royal fiat; Joseph II sought to commute it to cash within a certain limit as part of a great tax reform; and Leopold II pursued the same goal as his brother as part of a constitutional reform. Thus, not only was Joseph not unique in introducing agrarian -- and especially robot -- reform, he was even rather slow in doing so. At best he was in this respect no more an "enlightened despot" than his mother and brother.

FOOTNOTES FOR CONCLUSION

[1] J. Frank Bright, Joseph II (London, 1905), p. 130.

[2] Padover and Fejtö use the epitath in the titles of their books. R.R. Palmer, The Age of the Democratic Revolution (2 vols.; Princeton, 1959), I, 382, says that Joseph "was certainly a revolutionary." A.J.P. Taylor, The Habsburg Monarchy, 1809-1918: A Study of the Austrian Empire and Austria-Hungary (New York, 1965), p. 19, goes so far as to say that Joseph "was the Convention in a single man."

[3] Link, pp. 185-190.

[4] Wright, p. 164.

[5] Sigmund Frauendorfer, Indeengeschichte der Agrarwirtschaft und Agrarpolitik im Deutschen Sprachgebiet (2 vols.; Bonn-Munich-Vienna, 1957), I, 190.

[6] Mitrofanov, I, 406.

[7] Ibid., 396-400.

[8] Hock & Bidermann, pp. 595, 608.

[9] Rozdolski, p. 116.

[10] Mitrofanov, II, 582.

[11] Rozdolski, p. 91.

[12] Frauendorfer, I, 184-185.

[13] Joseph himself confessed: "...je suis Athée en fait de foi de finances. Je vois plusieurs religions et n'en crois aucune." M.T., Jos. Corresp., III, 337. As has been pointed out, this was as accurate an assessment of himself as Joseph was ever to make. See:

Konrad Schünemann, "Die Wirtschaftspolitik Josephs II. in der Zeit seiner Mitregentschaft," Mitteilungen des Österreichischen Instituts für Geschichtsforschung, XLVII (1933), 13-56.

[14] Mitrofanov, II, 619.

[15] Grünberg, I, 337-338.

BIBLIOGRAPHY

I. Published Primary Sources

Allgemeines bürgerliches Gesetzbuch für die gesammtem Deutschen Erbländer der Oesterreichische Monarchie. Vienna: K.K. Hof- und Staatsdruckerey, 1811.

Arneth, Alfred Ritter von, ed. Briefe der Kaiserin Maria Theresia an Ihre Kinder und Freunde. 4 vols. Vienna: Wilhelm Braumüller, 1881.

_____. Joseph II. und Katharina von Russland: Ihr Briefwechsel. Vienna: Wilhelm Braumüller, 1869.

_____. Joseph II. und Leopold von Toscana: Ihr Briefwechsel von 1781 bis 1790. 2 vols. Vienna: Wilhelm Braumüller, 1872.

_____. Maria Theresia und Joseph II.: Ihre Correspondenz sammt Briefen Joseph's an seinen Bruder Leopold. 3 vols. Vienna: Verlag von Carl Gerold's Sohn, 1867-1868.

_____, and Flammermont, M.J., eds. Correspondance Secrète du Comte de Mercy-Argenteau avec L'Empereur Joseph II et le Prince de Kaunitz. 2 vols. Paris: Imprimerie Nationale, 1889-1891.

Beer, Adolf, ed. Joseph II., Leopold II, und Kaunitz: Ihr Briefwechsel. Vienna: Wilhelm Braumüller, 1873.

_____. Leopold II., Franz II, und Catharina: Ihre Correspondenz. Leipzig: Verlag von Drucker & Humbolt, 1874.

Brunner, Sébastien, ed. Correspondances Intimes de l'Empereur Joseph II avec son ami le Comte de Cobenzl et son Premier Ministre le Prince de Kaunitz. Paris: P. Lethielleux, 1871.

Conze, Werner, ed. Quellen zur Geschichte der deutschen Bauernbefreiung. Quellensammlung zur Kulturgeschichte, Vol. XII, ed. by Wilhelm Treue. Göttingen: Musterschmidt-Verlag, 1957.

Franz, Günther, ed. Quellen zur Geschichte des Deutschen Bauernstandes in der Neuzeit. Vienna & Munich: R. Oldenbourg, 1963.

Frass, Otto, ed. Quellenbuch zur österreichischen Geschichte. 3 vols. Vienna: Birken-Verlag, 1959.

Girard, Georges, ed. Correspondance entre Marie-Thérèse et Marie-Antoinette. Paris: Editions Bernard Grasset, 1933.

Grossing, Franz Rudolph, ed. Briefe von Joseph dem Zweyten, als charakteristische Beiträge zur Lebens- und Staatsgeschichte dieses unvergesslichen Selbstherrshers. Leipzig: F.A. Brockhaus, 1821.

Kallbrunner, Joseph, ed. Kaiserin Maria Theresia Politisches Testament. Munich: Verlag von R. Oldenbourg, 1952.

Khevenhüller-Metsch, Rudolph Graf von, and Schlitter, Hanns, eds. Aus der Zeit Maria Theresias: Tagebuch des Fürsten Johann Joseph Khevenhüller-Metsch, Kaiserlichen Obersthofmeister, 1742-1776. 10 vols. Vienna:Verlag Adolf Holzhausen, 1907-1925.

Krack, Otto, ed. Briefe einer Kaiserin: Maria Theresia an ihre Kinder und Freunde. Berlin: Verlag von Karl Curtius, 1910.

Kropatschek, Joseph, ed. Handbuch aller unter der Regierung des Kaisers Joseph II. für die K.K. Erlblander Ergangenen Verordnungen und Gesetze in einer Sistematischen Verbindung. 18 vols. Vienna: Joh. Georg. Moesle, 1785-1790.

_____. Sammlung der Gesetze welche unter der glorreichsten Regierung des König Leopold des II, in den sammentlichen K. Erblanden erschienen sind in einer chronologischen Ordnung. 5 vols. Vienna: Joh. Georg. Moesle, 1794-1796.

Mass, Ferdinand, ed. Der Josephinismus: Quellen zu seiner Geschichte in Österreich, 1760-1790. 5 vols. Fontes Rerum Austriacarum, Vols. LXXI-LXXV. Vienna: Verlag Herold, 1951-1961.

Pettenegg, Gaston von, ed. Ludwig und Karl, Grafen und Herren von Zinzendorf, Minister unter Maria Theresia, Joseph II., Leopold II. und Franz I.: Ihre Selbstbiographien nebst Einer Kurzen Geschichte des Hauses Zinzendorf. Vienna: Wilhelm Braumüller, 1879.

Schlitter, Hanns, ed. Briefe der Erzherzogin Marie Christine, Staathalterin der Niederlande an Leopold II. Vienna: Carl Gerold's Sohn, 1896.

_____. Kaunitz, Philipp Cobenzl und Spielmann: Ihr Briefwechsel 1779-1792. Vienna: Verlag von Adolf Holzhausen, 1899.

Vivenot, Alfred Ritter von, and Zeissberg, Heinrich Ritter von, eds. Quellen zur Geschichte der Deutschen Kaiserpolitik Österreichs während der Französischen Revolutionskriege, 1790-1801. Vienna: Wilhelm Braumüller, 1873-1890.

II. Contemporary Publications

Huber, Franz Xaver. Geschichte Josephs II. römischen Kaisers, Königs von Hungarn und Boheim etc. Vienna: J.G. Edlen von Mössle, 1792.

Justi, Johann Heinrich Gottlob von. Staatswissenschaft, oder, Systematische Abhandlung aller ökonomischen und Kameralwissenschaften, die zur Regierung eines Landes erfordert werden. 2 vols. Reprint of 2nd. ed., Leipzig, 1758; Aalen: Scienta Verlag, 1963.

Kleinheyer, Gerd; Buyken, Thea; and Herold, Martin. Recht und Verfassung des Reiches in der Zeit Maria Theresias: Die Vorträge zum Unterrichtdes Erzherzogs Joseph in Natur- und Völkerrecht sowie im Deutschen Staats- und Lehnrecht. Ed. by Herman Conrad. Wissenschaftliche Abhandlungen der Arbeitgemeinschaft für Forschung des Landes Nordrhein-Westphalen, Vol. XXVIII. Cologne & Opladeu: Westdeutscher Verlag, 1964.

Pezzl, Johann. Charakteristik Josephs des Zweyten: Eine historisch-biographische Skizze. 3rd ed. Vienna: J.B. Degen, 1803.

Sonnenfels, Joseph von. Grundsätze der Polizey, Handlung und Finanzwissenschaft. 3 vols. Vienna: Joseph Kurzböck, 1770-1776.

III. Secondary Works

Anderson, M.S. Europe in the Eighteenth Century, 1713-1783. London: Longmans, Green & Co., 1961.

Arneth, Alfred Ritter von. Geschichte Maria Theresia's. 10 vols. Vienna: Wilhelm Braumüller, 1863-1879.

Beidtel, Ignaz. Geschichte der österreichischen Staatsverwaltung. 2 vols. Reprint of the edition Innsbruck, 1896; Frankfurt a.M.: Verlag Sauer & Auvermann, 1968.

Benedikt, Ernst. Kaiser Joseph II., 1741-1790. Vienna: Gerold & Co., 1936.

Berger, Sigmund. Kaiser Josef II.: Sein Leben und Wirken. Brno: Druck und Commissionsverlag von Buschak & Irrgang, 1880.

Bernard, Paul P. Joseph II. New York: Twayne Publishers, 1968.

_____. Joseph II and Bavaria: Two Eighteenth Century Attempts at German Unification. The Hague: Martinus Nijhoff, 1965.

_____. The Origins of Josephinism: Two Studies. Colorado College Studies No.7. Colorado Springs: Colorado University Press, 1964.

Bibl, Viktor. Kaiser Joseph II: Ein Vorkämpfer der Grossdeutschen Idee. Vienna & Leipzig: Johannes Günther Verlag, 1943.

Blum, Jerome. Noble Landowners and Agriculture in Austria, 1815-1848: A Study in the origins of the Peasant Emancipation of 1848. Baltimore: The Johns Hopkins Press, 1948.

Bright, J. Franck. Joseph II. London: Macmillan and Co., Ltd., 1905.

Brunner, Otto. Adeliges Landleben und Europäischer Geist: Leben und Werk Wolf Helmhards von Hohberg, 1612-1688. Salzburg: Otto Müller Verlag, 1949.

Bruun, Geoffrey. The Enlightened Despots. Gloucester, Mass.: Peter Smith, 1963.

Denis, Ernst. La Bohême depuis la Montagne-Blanche. 2 vols. Paris: Ernest Leroux, 1903.

Dorn, Walter L. Competition for Empire, 1740-1763. The Rise of Modern Europe, ed. by William L. Langer. New York: Harper & Row, 1940.

Fejtö, François. Un Habsbourg Révolutionaire, Joseph II: Portrait d'un despote éclairé. Paris: Librairie Plon, 1953.

Frauendorfer, Sigmund von. Ideengeschichte der Agrawirtschaft und Agrarpolitik im Deutschen Sprachgebiet. Vol.1. Bonn-

Munich-Vienna: Bayerischer Landwirtschaftsverlag, 1957.

Gershoy, Leo. From Despotism to Revolution, 1763-1789. The Rise of Modern Europe, ed. by William L. Langer. New York: Harper & Row, 1944.

Gooch, G.P. Maria Theresia and Other Studies. London; Longmans, Green and Co., Ltd., 1951.

Gross-Hoffinger, A.J. Geschichte Josephs des Zweiten. Leipzig: Verlagsbuchhandlung von Carl B. Lorck, 1847.

Grünberg, Karl. Die Bauernbefreiung und die Auflösung des gutsherrlich- bäuerlichen Verhältnisses in Böhmen, Mähren und Schlesien. 2 vols. Leipzig: Verlag von Drucker und Humbolt, 1894.

Guglia, Eugen. Maria Theresia, ihr Leben und ihre Regierung. 2 vols. Munich: R. Oldenbourg, 1917.

Hantsch, Hugo. Die Geschichte Österreichs. 2 vols. Graz, Vienna & Cologne: Verlag Styria, 1953.

_____. Gestalter der Geschichte Österreichs. Studien der Wiener Katholischen Akademie, Vol. II. Innsbruck, Vienna & Munich: Tyrolia Verlag, 1962.

Hazard, Paul. European Thought in the Eighteenth Century, from Montesquieu to Lessing. Translated by J. Lewis May. Meridian Books. Cleveland & New York: The World Publishing Company, 1963.

Heyne, C.T. Joseph der Zweite, der grosse Mann des deutschen Volks. Leipzig: Verlag von Ernst Schäfer, 1847-1848.

Hock, Carl Freiherr von, and Bidermann, Herm. Ing. Der österreichische Staatsrath (1760-1848). Vienna: Wilhelm Braumüller, 1879.

Hubatsch, Walther. Das Zeitalter des Absolutismus, 1600-1789. Gearg Westermann Verlag, 1962.

Jäger, Albert. Kaiser Joseph II. und Leopold II.: Reform und Gegenreform, 1780-1792. Vienna: Prandel & Ewald, 1867.

Kann, Robert A. A Study in Austrian Intellectual History from late Baroque to Romanticism. New York: Frederick A. Praeger, 1960.

Karajan, Th. G. von. Maria Theresia und Joseph II. während der

Mitregentschaft. Vienna: K.K. Hof- und Staatsdruckerei, 1865.

Kerner, Robert Joseph. Bohemia in the Eighteenth Century: A Study in Political, Economic, and Social History with special Reference to the Reign of Leopold II, 1790-1792. New York: The Macmillan Company, 1932.

Liebel, Helen P. Enlightened Bureaucracy versus Enlightened Despotism in Baden, 1750-1792. Transactions of the American Philosophical Society, Vol. LV, Part 5. Philadelphia: The American Philosophical Society. 1965.

Link, Edith Murr. The Emancipation of the Austrian Peasant, 1740-1798. New York: Columbia University Press, 1949.

Lütge, Friedrich. Geschichte der deutschen Agrarverfassung vom frühen Mittelalter bis zum 19. Jahrhundert. 2nd. ed. Stuttgart: Verlag Eugen Ulmer, 1967.

Macartney, C.A. The Habsburg Empire, 1790-1918. London: Weidenfeld and Nicolson, 1968.

Manuel, Frank E. The Age of Reason. Ithaca, N.Y.: Cornell University Press, 1965.

Marczali, Henry. Hungary in the Eighteenth Century. Cambridge: Cambridge University Press, 1910.

Mayer, Franz Martin; Kaindl, Raimund; and Pirchegger, Hans. Geschichte und Kulturleben Österreichs. 3 vols., 5th. ed. Vienna: Wilhelm Braumüller, 1958-1965.

Mell, Anton. Die Anfänge der Bauernbefreiung in Steiermark unter Maria Theresia und Joseph II. Forschungen zur Verfassungs- und Verwaltungsgeschichte der Steiermark, Vol. V, Part 1. Graz: Verlags- Buchhandlung 'Styria', 1901.

Mikoletzky, Hanns Leo. Österreich: Das grosse 18, Jahrhundert, von Leopold I. bis Leopold II. Vienna: Austria-Edition, 1967.

Mitrofanov, Paul von. Joseph II: Seine politische und kulturelle Tätigkeit. 2 vols., translated by V. von Demelic. Vienna & Leipzig: C.W. Stern, 1910.

Mowat, R.B. The Age of Reason: The Continent of Europe in the Eighteenth Century. Boston & New York: Houghton Mifflin Company, 1934.

Novotny, Alexander. Staatskanzler Kaunitz als Geistige Persönlichkeit: Ein österreichisches Kulturbild aus der Zeit der Aufklärung und des Josephinismus. Vienna: Druck und Verlag Brüder Hollinek, 1947.

Ogg, David. Europe of the Ancien Régime, 1715-1783. The Fontana History of Europe, ed. by J.H. Plumb. London & Glasgow: Collins, 1965.

Otruba, Gustav. Die Wirtschaftspolitik Maria Theresias. Vienna: Bergland Verlag, 1963.

Padover, Saul K. The Revolutionary Emperor: Joseph II of Austria. 2nd ed. London: Eyre & Spottiswoode, 1967.

Palmer, R.R. The Age of the Democratic Revolution: A Political History of Europe and America, 1760-1800. 2 vols. Princeton, N.J.: Princeton University Press, 1959.

Radics, P. von. Die Reisen Kaiser Joseph II und die Volkswirtschaft in Oesterreich-Ungarn. Vienna: Verlag der 'Oesterr.-Ungar. Revue', 1890.

Rozdolski, Roman. Die Grosse Steuer- und Agrarreform Josephs II.: Ein Kapitel zur österreichischen Wirtschaftsgeschichte. Warsaw: Państowe Wydawnictwo Naukowe, 1961.

Small, Albion. The Cameralists: The Pioneers of German Social Polity. New York: Burt Franklin, 1909.

Smith, Preserved. The Enlightenment, 1687-1776. Vol. II of A History of Modern Culture. New York: Holt Rinehart and Winston, Inc., 1934.

Sommer, Louise. Die österreichischen Kameralisten in Dogmengeschichtlicher Darstellung. Reprint of the edition Vienna, 1920-1925. Aalen: Scienta Verlag, 1967.

Strakosch, Henry E. State Absolutism and the Rule of Law: The Struggle for the Codification of Civil Law in Austria, 1758-1811. Sydney: Sydney University Press, 1967.

Sugenheim, Samuel. Geschichte der Aufhebung der Leibeigenschaft und Hörigkeit in Europa bis um die Mitte des neunzehten Jahrhunderts. St. Petersburg: Eggers et Comp., 1861.

Valjavec, Fritz. Der Josephinismus: Zur geistigen Entwicklung Österreichs im achzehnten und neunzehnten Jahrhundert. 2nd. ed. Munich: Verlag von R. Oldenbourg, 1945.

Walter, Fredrich. Die österreichische Zentralverwaltung. Part II, vols. 1, 3, 4. Veröffentlichungen der Kommission für neuere Geschichte Österreichs, Vols. 29, 32, 26. Vienna: Adolf Holzhausens Nachfolger, 1934-1950.

Wandruszka, Adam. Leopold II. 2 vols. Vienna: Verlag Herold, 1963-1965.

Wangermann, Ernst. From Joseph II to the Jacobin Trials: Government Policy and Public Opinion in the Habsburg Dominions in the Period of the French Revolution. Oxford: Oxford University Press, 1959.

Wendrinsky, Johann. Kaiser Joseph II: Ein Lebens- und Charakterbild zur hundertjährigen Gedenkfeier seiner Thronbesteigung. Vienna: Wilhelm Braumüller, 1880.

Wines, Roger, ed. Enlightened Despotism: Reform or Reaction? Problems in European Civilization. Boston: D.C. Heath and Company, 1967.

Winter, Eduard. Der Josephinismus und seine Geschichte. Brünn: Rohrer Verlag, 1943.

Wright, William E. Serf, Seigneur, and Sovereign: Agrarian Reform in Eighteenth-Century Bohemia. Minneapolis: University of Minnesota Press, 1966.

Wolf, Adam, and Zwiedineck-Südenhorst, Hans von. Österreich unter Maria Theresia, Joseph II. und Leopold II., 1740-1792. Berlin: G. Grote'sche Verlagsbuchhandlung, 1884.

Wurzbach, Constant v. Biographisches Lexikon des Kaiserthums Oesterreich. 60 vols. Vienna: Verlag der Universitäts-Buchdruckerei, 1856-1891.

Zollner, Erich. Geschichte österreichs. 3rd ed. Munich: R. Oldenbourg Verlag, 1966.

IV. Articles and Periodical Literature

Beidtel, Ignaz. "Zur Geschichte der Feudalverfassung in den deutschen Provinzen der österreichischen Monarchie unter der Regierung Kaiserin Maria Theresia," Kaiserliche Akademie der Wissenschaften, Sitzungsberichte, IX (1852), 474-484.

Beidtel, Ignaz. "Zur Geschichte der Feudal-Verfassung in den deutschen Provinzen der österreichischen Monarchie unter der Regierung Kaiser Joseph's II.," Kaiserliche Akademie der Wissenschaften, Sitzungsberichte, IX (1852), 925-938.

_____. "Uber die Veränderungen in den Feudalverhältnissen in den österreichischen Staaten unter der Regierung Leopold's II. (20. Februar 1790 - 1. März 1792.)," Kaiserliche Akademie der Wissenschaften, Sitzungsberichte, X (1853), 486-499.

Dutcher, George. "This Enlightened Despotism: Reform or Reaction?" Annual Report of the American Historical Association, (1920), 189-193.

Freudenberger, Herman. "State Intervention as an Obstacle to Economic Growth in the Habsburg Monarchy," The Journal of Economic History, XXVII, 4 (December, 1967), 493-509.

_____. "Industrialization in Bohemia and Moravia in the Eighteenth Century," Journal of Central European Affairs, XIX, 4 (January, 1960), 347-356.

Hartung, Fritz. "Der Aufgeklärte Absolutismus," Historische Zeitschrift, CLXXX, 1 (1955), 15-42.

Ilwolf, Franz. "Der ständische Landtag des Herzogtums Steiermark unter Maria Theresia und Ihren Söhnen," Archiv für Österreichische Geschichte, CIV (1914-1915), 121-196.

Lefebvre, Georges. "Le despotisme éclairé," Annales Historiques de la Révolution Française, XXI (1949), 97-115.

Liebel, Helen P. "Administrative Reform and Enlightened Despotism in Eighteenth Century Germany," Fondazione Italiana per la Storia Amministrativa, Annale, V (1970), in press.

Lütge, Friedrich. "Die Robot-Abolition unter Kaiser Joseph II.," Wege und Forschungen der Agrargeschichte: Festschrift zum 65. Geburtstag von Günther Franz. Ed. by Heinz Hausdorfer and Willi A. Boelcke. Frankfurt a.M.: DLG Verlag, 1967. 153-170.

Maas, Walther. "Zur Entwicklung der polnishen Agrarstruktur vom XV. bis XVIII. Jahrhundert," Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte, XX (1928), 490-498.

Mejdricka, Kveta. "Les paysans tcheques et la Révolution française," Annales Historiques de la Révolution Française, XXX (1958), 64-74.

Morazé, Charles. "Finance et despotisme, essai sur les despots éclairés," Annales, Economies, Civilisations, III (1948), 279-296.

Rozdolski, Roman. "The Distrubution of the Agrarian Product in Feudalism," Journal of Economic History, XI, 3 (Summer, 1951), 247-265.

_____. "On the Nature of Peasant Serfdom in Central and Eastern Europe," Journal of Central European Affairs, XII (1952), 128-139.

Schünemann, Konrad. "Die Wirtschaftspolitik Josephs II. in der Zeit seiner Mitregentschaft," Mitteilungen des Österreichischen Instituts für Geschichtsforschung, XLVII (1933), 13-56.

Stolz, Otto. "Die Bauernbefreiung in Süddeutschland im Zusammenhang der Geschichte," Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte, XXXIII (1940), 1-68.

Wagner, Hans. "Die Reise Josephs II. nach Frakreich 1777 und die Reformen in Österreich," Österreich und Europa: Festgabe für Hugo Hantsch zum 70. Geburtstag. Hrsg. Institut für österreichische Geschichtsforschung and Weiner Katholische Akademie. Graz, Vienna & Cologne; Verlag Styria, 1965. 221-246.

Wolf, Adam. "Graf Karl von Zinzendorf. 1739-1813," Geschichtliche Bilder aus Oesterreich. 2 vols. Vienna: Wilhelm Braumüller, 1878-1880. II, 244-311.

_____. "Graf Rudolf Chctek," Kaiserliche Akademie der Wissenschaften, Sitzungsberichte, X (1853), 432-448.

Wright, William E. "The Initiation of Robota Abolition in Bohemia," Journal of Central European Affairs, XVIII, 3 (October, 1958), 239-253.

APPENDIX I

GLOSSARY

Amtstag: a day set aside each week at a manor when the lord or his officials were to be available for official business such as receiving formal complaints from their peasants.

Bezirksteuereinehmer: a district tax collector. A post especially created by Joseph II after the publication of the patent of 10 February, 1789.

Dominikal: unlanded peasants who performed robot and other duties, in return for lands temporarily held.

Erbunterthan: literally a 'hereditary subject'. A term preferred by the nobles to Leibeigen, meaning 'serf'.

Freissassen: a small class of peasants who were freeholders and owed no obligations to lords.

Gemessene Arbeit: a method by which robot obligations could be discharged. In this system the lord assigned his peasants a specific job but did not specify in what time-period it had to be done.

Gubernium: the provincial administrative board.

Handbillet: a memorandum or note in handwriting passed out to any official concerned with its content. Usually a note from the emperor with specific orders.

Handrobot: robot duties discharged manually.

Häusler: a class of unlanded peasants who occupied a house on the lord's land, sometimes with a garden, and who supported themselves essentially by working the lord's land.

Heimfallsrecht: the right of the lord to claim for himself any lands that a peasant forfeits either by mismanagement or by leaving no heirs.

Herrschaft: the manor.

Hofdienste: service performed in the household of the lord such as driving coaches etc.

Hofkammer: the Court Treasury.

Hofkanzlei: the Court Chancellery -- in this case the Austro-Bohemian Chancellery. The main central administrative center of the Habsburg empire.

Inleute: a class of unlanded peasants who lived at the manor house and performed nearly every kind of conceivable service for their lords.

Instrukzion: a royal instruction.

Inventarze: a Polish term literally meaning 'inventory'. A record kept at the manor of the precise obligations that the peasants owed their lords. This applied only to Galicia.

Kataster: a registry showing the extent, value and ownership of land for the purpose of taxation.

Kontribution: the state tax paid by the peasants.

Kreis: the administrative unit of 'county' created by Maria Theresia in 1751.

Kreisamt: the county office.

Kriesamthauptman: a term meaning 'county officer'.

Kreisamtsrath: another term for the county officer.

Laudeminium: a fee paid to the lord when a change of tenancy occurs between two living persons.

Leibeigenschaft: a term meaning 'serfdom', but with considerable pejorative content.

Mortuarium: a fee paid to the lord when a change of tenancy occurs at the death of the peasant holding the land. In fact it was more like an 'inheritance fee' that heirs paid the lords.

Obereigenthum: the right of the lord to maintain overlordship or *dominium directum* of peasant land.

Obrigkeit: the lord of the manor specifically, and all governing authorities in general.

Pfenniggründe: literally 'penny-grounds'. Lands in southern Styria which the lords were willing to allow the peasants to 'buy in', but of such poor quality that few customers were found.

Protokoll: a sworn written complaint of a peasant compiled by the manorial judge for use in any legal action of the peasant.

In general, any written proceedings or minutes of the state councils, courts, etc.

Rescript: an imperial order or decree.

Robot: the labour obligations of the peasants to their lords. Oroginally a Czech word meaning 'work'.

Robotabolizionsistem: the system whereby robot is commuted to payments in cash.

Rustikal: a landed peasant who performs robot services in return for land registered in his name in the Kataster.

Staatsrath: the emperor's advisory council created by Maria Theresia in 1760.

Unterthan: literally meaning 'subject'. A term used to mean peasant.

Unterthanagent: a royal official residing at Court directed to handle peasants' complaints.

Unterthansadvokat: a peasants' lawyer. A provincial official directed to give free legal aid to peasants in court cases.

Zugrobot: robot duties discharged with a team of horses or oxen.

The Great Tax and Robot Reform of 10 February 1789: Comparative Statistics

Type of land	Percentage of gross product to be taxed	State tax per 100 fl. in Austro-Bohemian lands	State tax per 100 fl. in Galicia	Value of robot obligations to the lord per 100 fl. gross product
arable land waste land vineyards lakes rivers ponds (1)*	10 5/6 %	10 fl. 37½ kr.	7 fl. 5 kr.	15 fl. 25 kr.
meadows gardens ponds (2)*	17 2/6 %	17 fl. 55 kr.	12 fl. 5 kr.	26 fl. 2½ kr.
pastures brushland forests	21 4/6 %	21 fl. 15 kr.	14 fl. 10 kr.	30 fl. 50 kr.
Average	16 11/18 %	12 fl. 13 1/3 kr.	8 fl. 16 4/5 kr.	17 fl. 46 2/3 kr.

* ponds were calculated at the value of the lands that adjoined them because they were held to have the same potential if drained.

Sources: Mises, p. 77; Rozdolski, p. 69; HJG, XVII, 153-170, 183-199.

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